High Water Mark
Heroes, Myth, and Memory

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In his address at the dedication of the 20th Maine monument in 1889 Joshua Chamberlain said to the gathered group:

> In great deeds something abides. On great fields something stays. Forms change and pass; bodies disappear; but spirits linger, to consecrate ground for the vision-place of souls. And reverent men and women from afar, and generations that we know not of, heart-drawn to see where and by whom great things were suffered and done for them, shall come to this deathless field, to ponder and dream, and lo! The shadow of a mighty presence shall wrap them in its bosom, and the power of the vision pass into their souls.[1]

The power of Chamberlain's words still echo at Gettysburg. Something does remain here on the Gettysburg battlefield. Something felt, not seen. And as Chamberlain foresaw, men and women that he and his comrades would not know have come, and continue to come, to this place in numbers that might have surprised him, to "ponder and dream," but also to understand, and perhaps find something of themselves upon these fields.

There are many evocative places on the battlefield. It is a unique landscape in its own right which the battle, with its post-war memorials and monuments, only rendered more exceptional. Yet it is one of its seemingly most unremarkable places that holds the greatest power and symbolism for those who visit the battlefield. Known variously as the High Water Mark, the Angle, the Clump of Trees, or the Copse of Trees, it is the place where the final great bid for Confederate victory at Gettysburg – Pickett's Charge – was smashed and thrown back on the steamy afternoon of July 3, 1863. What gives this place its power is not the landscape – it is simply typical rolling Pennsylvania farmland, crisscrossed with fences, a stone wall, and a clump of trees enclosed by an iron fence. Its power is derived in knowing what happened here. Then, it is impossible to stand there and not feel something. On a May evening in 1909, George Patton,

Jr., made his way down to this spot. Seated on a rock he watched the sun sink behind South Mountain. He recorded the experience in his diary,

> I could almost see them coming growing fewer and fewer while around and behind me stood calmly the very cannon that had some punished them. There were some quail calling in the trees near by and it seemed strange that they could do it where man had known his greatest and last emotions. It was very wonderful and no one came to bother me. I drank it in until I was quite happy . . . I think it takes an evening like that to make one understand what men will do in battle.[2]

Many years ago a co-worker described to me an event that had occurred while he was attending Ranger Skills, a six-week training course at the Grand Canyon to which the National Park Service once sent all of its rangers. One day a legendary ranger named Rick Martin came to speak to the class. Martin had done it all as a ranger and was revered by many young rangers in the service. During his talk he mentioned the most moving experience he had ever had in a national park. Members of the class instantly thought it would be his first glimpse of the Tetons, or Yosemite Falls, the Grand Canyon, Yellowstone, maybe Alaska. But he surprised them all, except for my co-worker, when he said it was at Gettysburg, sitting at the Angle . . . looking out across the field of Pickett's Charge. Like George Patton, Ranger Martin, who had seen or worked at many of our country's crown jewel national parks, felt the emotional power of this place. Millions of others have experienced it as well. I have met thousands who were more moved by this place than anywhere else on the battlefield.

Heroes were made here, myths created, and memories of the battle contested. This was and remains a highly symbolic place in America. Even to those unaware of the events of the battle, it is immediately apparent when they approach that something important happened here during the battle. Why else would this little knot of trees be enclosed by an iron fence, and an imposing bronze monument of an open book with the words "High Water Mark," flanked by cannons, stand in front of them? Monuments and National Park Service wayside exhibits also cluster here, all signaling the area's apparent importance. Each year thousands of visitors stop to read the exhibits or pause to hear the story told by guides, rangers, soldiers, teachers, and parents. Stop here on any summer day and there are clusters of people gathered around a group leader, guide, or ranger, listening in rapt attention to the story of the great charge.

An Accidental High Water Mark?

Over the last decade the question has been raised whether the place where the great charge was repulsed was an accidental High Water Mark. The argument, persuasively presented, is that the Confederates did not intend to attack this point at all, that the objective of the attack was the woods to the north, Ziegler's Grove, or, in another variation, Cemetery Hill, key terrain of the battlefield, and that the Confederates struck the Union line where they did because of battlefield confusion, or because Union artillery fire drove them south.[3]

The term applied to this place – the High Water Mark – was coined by a man named John Bachelder. Bachelder came from New Hampshire and earned his living primarily as an educator and artist. He was thirty-five years old when the Civil War began. Although interested in military things, he did not volunteer for service, probably because of his health, but he did attach himself to the Army of the Potomac in 1862 during George B. McClellan's Peninsula campaign. Bachelder wrote that besides sketching and painting the army in the field he intended to "wait for the great battle which would naturally decide the contest; study its topography on the field and learn its details from the actors themselves, and eventually prepare its written and illustrated history." At the unsuccessful conclusion of the Peninsula campaign, Bachelder left the army and returned home, but not before asking the friends he had made in the army to keep him apprised of

any movement that might lead to the decisive engagement he sought. The moment he received word of a battle at Gettysburg, Bachelder sensed that this was the great battle he had waited for. He left home immediately and arrived on the battlefield only several days after the battle ended.[4]

Bachelder spent the next eighty-four days studying and sketching the field, interviewing wounded Union and Confederate soldiers in the many field hospitals, and sometimes, when they were ambulatory, taking them out onto the field so that they might show him where they had fought. That fall he produced an isometric map at the regimental/battery level of the three-day battle. Before he published it he sent copies to Army of the Potomac commander Major General George G. Meade and his corps commanders to verify its accuracy. Meade and his generals all validated the map, and Bachelder had it published. Since he considered Gettysburg to be the decisive engagement of the war to date, Bachelder set out to collect the source material he needed to write his history of the battle. He asked permission of General Meade to visit the army in its quarters at Brandy Station during the winter of 1863-1864 to interview officers who were at Gettysburg. Meade approved Bachelder's request, and the New Englander later claimed that during that winter he interviewed the commander of every regiment and battery that was at Gettysburg. Of course, he meant those units then with the army who were at Gettysburg. The entire 11th and 12th Corps had been detached from the army during the fall and sent west, and other units, such as Major General George Stannard's Vermont brigade, had been discharged, so Bachelder could not have interviewed any of those officers personally, but there is evidence that he corresponded with commanders of these units during the spring of 1864. So, it is very possible that Bachelder did interview or correspond with someone from every unit of the Army of the Potomac that fought at Gettysburg.[5]

From this beginning Gettysburg became Bachelder's life work. He became *the* expert on the battle, acknowledged by the likes of generals Meade, Winfield Scott Hancock, and others. In his thirst for greater understanding of the battle he convened many gatherings of officers on the field, and early after the war attempted to contact former Confederates so that he might learn the details of their army's operations. He published several guides to visiting the battlefield for the public, prepared more detailed maps of the battle, marked positions of troops on the field with veterans, published a ponderous 2,451-page official history of the battle, and in 1880 was elected as one of the directors of the Gettysburg Battlefield Memorial Association (GBMA). This organization had been incorporated by the Commonwealth of Pennsylvania in 1864 with its purpose to preserve unimpaired the area of the Gettysburg battlefield held by the Army of the Potomac. Except for one year, Bachelder served as a director until his death in 1894. Bachelder had more to do with the placement of monuments and their inscriptions than any other man with the GBMA. He was also responsible for beginning the movement to mark the Confederate lines of battle, which ultimately helped lead to the creation of Gettysburg National Military Park, and would include the ground occupied by both armies during the battle.[6]

Shortly after the war ended Bachelder met Walter Harrison, who had been General George Pickett's acting adjutant and inspector general (AAIG) during the battle. Bachelder invited Harrison to visit Gettysburg with him. Harrison agreed and during the visit – the date of which is not recorded – the two men spent several hours in the shade cast by the Copse of Trees on Cemetery Ridge. During their discussion Bachelder recalled that Harrison, "explained to me what an important feature that copse of trees was at the time of the battle; and how it had been a landmark towards which Longstreet's assault of July 3d, 1863, had been directed." This deeply impressed Bachelder, who said to Harrison, "Why, Colonel, as the battle of Gettysburg was the crowning event of this campaign, this copse of trees must have been the high water mark of the rebellion." Harrison agreed, and Bachelder was imbued with "a reverence for those trees." Bachelder's subsequent efforts to enshrine this spot will be discussed later. The significant point at this moment is that Harrison had identified the Copse of Trees as the landmark toward which Pickett's Charge had been directed.[7]

As a member of Pickett's division staff Harrison would have known the landmark the division used to guide its attack. But it has been suggested that since Ziegler's Grove, the woodlot several hundred yards north of the Clump of Trees, had been cut down shortly after the war, that perhaps Harrison was confused about which woods were the landmark that guided the direction of attack. This seems unlikely since Harrison repeated his statement to Bachelder in his 1870 book *Pickett's Men*, writing, "A small clump of trees made the enemy's centre a prominent point of direction." Zeigler's Grove was a woodlot, not a clump of trees, but for argument's sake let us presume that perhaps Harrison did confuse the Clump of Trees and Ziegler's Grove. Further muddling the issue were the subsequent accounts of various participants, who gave Cemetery Hill as the aiming point and objective of the assault, not the Clump of Trees. Longstreet, who commanded the attack, gave Cemetery Hill as the objective several times. In his after-action report he wrote that the assault was to be "made directly at the enemy's main position, the Cemetery Hill." He repeated this objective point, in so many words, in his 1877 account for the *Philadelphia Weekly Press*, writing that when he suggested to Lee, during their early-morning discussion on July 3, that he could maneuver around Meade's flank anchored on the Round Tops, Lee responded "pointing with his fist at Cemetery Hill: 'The enemy is there, and I am going to strike him.'" Longstreet also pointed to Cemetery Hill and responded with his now-famous statement that "no fifteen thousand men ever arrayed for battle can take that position."[8]

Colonel Armistead L. Long, a member of Lee's headquarters staff during the battle, in his 1886 *Memoirs of Robert E. Lee*, wrote that the Confederate pre-assault bombardment concentrated its fire upon Cemetery Hill, and then the assaulting infantry "burst into the Federal lines and drove everything before them toward the crest of Cemetery Hill, leaping the breastworks and planting their standards on the captured guns with shouts of victory." During the battle, Colonel Edward P. Alexander, who had command of all the guns of the First Corps participating in the pre-assault bombardment, and who knew the objective of the attack, sent a dispatch to Pickett that read, "If you are coming at all you must come at once, or I cannot give you proper support, but the enemy's fire has not slackened at all. At least 18 guns are still firing from the cemetery itself." When he wrote his memoirs for his family between 1899 and 1900, Alexander cited this dispatch, then wrote, "This [meaning the Cemetery] was the point of direction of the storming column." Harrison's assertion that the Clump of Trees was the point of direction for the assault force appears to collapse before the testimony of Alexander, Long, and Longstreet. But before taking up this question it is necessary to understand how a Civil War infantry assault such as Pickett's Charge was conducted.[9]

Organizing and managing an assault by nine infantry brigades, two supporting brigades, and a pre-assault bombardment by nearly 150 cannon, was a complicated task in the era before battlefield electronic communications. Typically, a terrain or or other physical feature, such as a road or building, was selected to guide the attack. On July 2, for example, Lee's orders to Longstreet were to use the Emmitsburg road to guide the direction of his attack. Once the point of attack had been determined a unit of direction would be selected. In the planning for Pickett's Charge, Brigadier General Richard B. Garnett's brigade of Pickett's division was initially selected as the unit of direction. But during the course of the discussions that preceded the assault this was changed and Colonel Birkett Fry's brigade of Pettigrew's division was named the unit of direction. As the unit of direction it would be Fry's duty to assure that his brigade marched toward the objective point of the attack. The other brigades of Pettigrew's division would guide on Fry, as would Garnett's brigade of Pickett's division. Brigadier General James Kemper's brigade, forming the right half of Pickett's front line, would guide on Garnett, and Pickett's support line, consisting of Brigadier General Lewis B. Armistead's brigade, simply needed to follow the movements of Garnett at the prescribed supporting distance, which was about 200 yards. The two brigades of Major General Isaac Trimble, which formed the support line for Pettigrew's division, did likewise, following at supporting distance from Pettigrew's two right brigades, Fry's and Colonel James K. Marshall's. There was no need for written orders, or even

for brigade commanders to know any more about the assault than what unit they were to guide their movements on.

With the limited battlefield communications available to a Civil War commander, and the lag in those communications that existed once an attack went forward (since the distance between headquarters and those making the assault increased and became more perilous to traverse with communications), assault objectives needed to be straightforward and simple. Complex maneuvers and multiple objectives, such as an assault commander might plan by World War I, were not possible in the Civil War. Typically, a major attack in the Civil War sought to break the enemy line or turn a flank. What happened after that depended upon circumstances, but once the enemy line was breached the defender either had to counterattack to repair the break with reserves, or retreat and attempt to establish a new line. Setting subsequent objectives for attacking units once the enemy line was broken, such as to break the Union line on Cemetery Ridge then storm Cemetery Hill, rarely occurred for the simple reason that no one could possibly know what opportunities would present themselves once the enemy line was broken. Also, the confusion that typically gripped the attacking forces once they succeeded in breaking the enemy line rendered moving on to subsequent objectives virtually impossible. A general might have some plan in mind but the next step after breaching the enemy line depended upon circumstances, thus in most instances, the assault commanders were expected to exercise initiative and take advantage of any opportunity that presented itself. A survey of the some of the major infantry attacks of the war bears this out. Gaines' Mill, Fredericksburg, Cold Harbor, the Crater, Hancock's attack on the Mule Shoe at Spotsylvania, and numerous other assaults by the Army of the Potomac during that same battle, to name a few, all shared a similar, and simple, objective, namely to break the enemy line and hope that this would create further opportunities or compel the enemy to retreat.

This brings us back to the question of whether the Clump of Trees or the Evergreen Cemetery, on Cemetery Hill, was the landmark that guided the assault forces in Pickett's Charge. The evidence that it was Cemetery Hill begins to crumble under close scrutiny. Edward P. Alexander admitted in an 1879 letter to Henry Hunt that he frankly never knew of a distinction between Cemetery Hill and Cemetery Ridge, "and consequently have them confused." Today Cemetery Ridge is the name applied to the ridge of ground beginning at the Taneytown road, opposite Cemetery Hill, and running south to the area of the Pennsylvania Memorial. But during the battle and the early post-war years the highest end of the ridge, the plateau of ground which contains both Ziegler's Grove and the Copse of Trees, was often considered part of Cemetery Hill. The Comte de Paris articulated this in his 1886 *Battle of Gettysburg*, writing "In the prolongation at the south-west of the hillock properly called Cemetery Hill stands the plateau designated by Lee as the objective point of the attack, which we shall call Ziegler's Grove, from the name of the small wood which descends the slope opposite to Gettysburg." The Comte did not say the woods were Lee's objective; the plateau was. He attempted to name the plateau Ziegler's Grove but the name never stuck. Instead it became part of Cemetery Ridge. Cadmus Wilcox, who commanded one of the two brigades that supported Pickett's division during the assault, took issue with the Comte's definition of Cemetery Hill. "You suppose that the *salient* which was given to him [Pickett] as his point of direction meant Cemetery Hill. If you apply that word to the whole spur extending from the Cemetery south as far as the small wood where Stannard's Vermont brigade was stationed, it is very well but as what is called Cemetery Hill does not extend as far as Zeigler's Grove, it is the spur which from that place projects south-west which alone could be seen from Pickett's position when he [unintelligible] strike the enemy's line."[10]

In his 1907 public memoirs, *Military Memoirs of a Confederate*, E. P. Alexander clarified an earlier statement in his private memoirs when he said the Cemetery was the point of direction for the attack. Now he wrote, "A clump of trees in the enemy's line was pointed out to me as the proposed point of our attack, which I was incorrectly told was the cemetery of the town." Alexander not only corrected his earlier statement regarding Cemetery Hill as the objective of the

attack, he criticized the Confederates *for not selecting it* as the objective. "Lee's most promising attack from first to last was upon Cemetery Hill, by concentrated artillery fire from the north and assaults from the nearest sheltered ground between the west and northeast," he wrote. If anyone knew where the attack was going it was Alexander, for it was his artillery that was expected to silence or destroy the Union artillery at the point of attack, and none of his guns fired upon Cemetery Hill in the pre-assault bombardment. Major General Isaac Trimble, who commanded two brigades of Pender's division in the assault, and knew the difference between Cemetery Hill and Cemetery Ridge, described his position before the attack in an 1883 letter to Bachelder as "and about one and one half miles from that point on Cemetery Ridge towards which our forces on the left were directed to march." If Cemetery Hill or even Ziegler's Grove was the objective of the attack, surely there would be evidence that when the Union line was breached that the balance of Pender's division and Major General Robert E. Rodes' division, both arrayed along Long Lane and facing the western face of Cemetery Hill, had orders to attack. Not a single report from either division mentions they received any orders.[11]

Finally, there is the physical evidence of the attack which validates Walter Harrison's, E. P. Alexander's, Isaac Trimble's, and Cadmus Wilcox's statements regarding the area Pickett's Charge was intended to strike. In his after-action report Longstreet wrote that "orders were given to Major-General Pickett to form his line under the best cover he could get from the enemy's batteries, and so *that the center of the assaulting column would arrive at the salient of the enemy's position* [emphasis by author], General Pickett's line to be the guide and to attack the line of the enemy's defenses, and General Pettigrew, in command of [Major General Henry] Heth's division, moving on the same line as General Pickett, was to assault the salient at the same moment." The Union position near the Clump of Trees formed a small salient angle because it used the existing stone walls for defensive works, and the wall running north-south immediately west of the clump made a ninety degree turn east about fifty to sixty yards north of the trees, ran in this direction for about fifty yards then turned 90 degrees north again and continued on to the Abraham Brian barn. The first angle in the wall became known as "the Angle." Viewed from Pickett's position, as Cadmus Wilcox pointed out, it is a prominent salient in the Union line along Cemetery Ridge.[12]

The Clump of Trees in 1882. The larger trees to the left of the horse are those enclosed by an iron fence today. The smaller clump to the right of man and horse no longer stand. NPS

The junction of the attack, between Pickett's and Pettigrew's divisions, arrived precisely at this salient. This surely could not have been accidental. There is no evidence that Pettigrew's division, despite the severe artillery fire it endured from Cemetery Hill, was driven off course. Colonel Fry recorded that "even when grape, canister, and musket balls began to rain upon it the gaps were quickly closed and the alignment preserved." We might imagine that Fry sought to put the behavior of his men in the best possible light and perhaps omitted the real confusion that gripped his command as his men marched into this storm of lead and iron, but his account is

sustained by his adversaries. Shortly after the battle, Sergeant William Bowen, of the 12th New Jersey, which directly faced Pettigrew's division, wrote that although the artillery was "mowing great swaths through their lines," the Confederates evidenced "no hurry, no confusion as our shot was poured into them. They came as steady and regular as if on a dress parade, our guns pouring the shot into them." Others in Pettigrew's and Union Brigadier General Alexander Hays's divisions upheld both Fry's and Bowen's statements, that although subjected to severe fire, the Confederate attack was superbly executed until it fell to pieces under small arms fire directly in front of the Union lines.[13]

One must suspend belief to imagine that the salient the attackers intended to strike was Cemetery Hill or Ziegler's Grove, and that when driven south in confusion by severe Union artillery fire by pure coincidence the junction of the two wings of the attacking force struck another salient in the Union line. Surely, in all the accounts of the battle written by Confederate participants, someone would have mentioned that the July 3 attack missed its intended target. No one did. The inescapable conclusion is that Walter Harrison and the others are correct: The Copse of Trees *was* the landmark that marked the point on the Union line that the center of the July 3 attack intended to strike, and the assault struck precisely where Lee wished it to. The Copse of Trees was never the objective of the attack. Neither Harrison nor any of the others ever said this. They were merely a visible landmark on Cemetery Ridge that marked the area where Lee hoped to break the Union line. This was the true objective – to shatter the Union center.[14]

Heroes

The repulse of Pickett's Charge sealed the Union victory at Gettysburg. It would be remembered as the brightest moment in the Army of the Potomac's four-year history. Here, in a fair stand-up fight, they had whipped the best that Bobby Lee threw at them. Nothing like it ever happened again. Five Forks, Sailor's Creek, and Appomattox, great victories though they were, did not compare, since by that point in the war the Army of Northern Virginia was a shadow of its former self. At Gettysburg, however, it was in peak condition. Soldiers in the Army of the Potomac won sixty-three Medals of Honor for Gettysburg, significantly more than for any other battle of the war except Vicksburg, a reflection of the importance the army attributed to this battle during and after the war.[15] Of this number, twenty-three were for actions directly related to the repulse of Pickett's Charge. On the surface, based on the Medal of Honor we know today, these men were the heroes of that terrible struggle along Cemetery Ridge. But a closer analysis reveals complications and questions, for the Medal of Honor of the nineteenth century was not the Medal of Honor of the twentieth and twenty-first centuries. Some who were issued the medal received it long after the war and pulled strings to get it, others simply did not earn it by modern standards, and still others who were deserving were either dead, overlooked, or uninterested in the politics of inventing war heroes.

When the Civil War began the U.S. Army had no system of medals to recognize the gallantry of its soldiers. For officers recognition was granted by the system of brevet, where an officer would receive honorary promotions. A regular lieutenant who served in the Mexican War might have emerged from it a brevet major, although his paycheck and authority remained that of a lieutenant. Enlisted men might be mentioned in an after-action report, although this was rare, or, if a vacancy existed, promoted. Otherwise, there was no recognition for conduct above and beyond the call of duty. During the winter of 1861, Iowa Senator James W. Grimes, chairman of the Senate Naval Committee, introduced a bill to create a Navy Medal of Honor. The bill easily passed, and in early 1862 another bill was introduced to Congress for an Army Medal of Honor for enlisted men in the regular and volunteer service. Officers would continue to be recognized for gallantry by the brevet system. This bill passed easily and President Lincoln signed it into law on July 12, 1862. Eight months later it was amended to enable officers to receive the medal as well.[16]

The criterion to earn a Medal of Honor was vague. The War Department's guidance, issued as General Orders No. 91 on July 29, 1862, stated that the medal was authorized for "non-commissioned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities." With no more specific criteria than "gallantry" or "other soldier-like qualities," and no system to review recommendations for medals, the army adopted a simple measure for awarding them: the capture of an enemy flag. Flags served a functional purpose on Civil War battlefields, as guides for movement or a rallying point for a broken unit, but they also inspired fighting men on the attack or while defending a position. For the infantry regiment the battle flag, or flags, represented the collective honor of the unit. The bravest men in a regiment carried its colors, and the men of the color guard that defended them were expected to sacrifice their lives to preserve their unit's flag in battle. To capture a flag in battle was generally a perilous undertaking, and this became a straightforward measure for determining what soldiers were deserving of Medals of Honor. If a soldier captured a flag and turned it in, and his commander subsequently sent the flag and the soldier's name to army headquarters, he earned a Medal of Honor.[17]

Very few Medals of Honor were won by the Army of the Potomac during the first two years of the war, due to its general lack of success. There were none awarded to soldiers who fought in the Seven Days, none at Second Manassas, one at Antietam, one at Fredericksburg, and none at Chancellorsville.[18] Then came Gettysburg. Although there were successes and flags captured on July 1 and July 2, the Army of the Potomac had its greatest day on July 3, when it captured so many flags that the army never really tallied an accurate count. Careful study by recent students of the battle confirms that twenty-eight Confederate flags were captured on July 3, though the number might be higher since there is insufficient documentation for some other flags that might have been captured but not reported. On December 1, 1864, fifteen soldiers, all enlisted men, received a Medal of Honor for capturing a Confederate battle flag on July 3. On the surface it may appear that these men must have exhibited greater gallantry or faced graver danger than the other thirteen men who captured flags that day. But on closer examination it is clear that this is not the case.[19]

Marshall Sherman, of the 1st Minnesota, captured the flag of the 28th Virginia on July 3. He was one of the fifteen enlisted men who received the Medal of Honor on Dec. 1, 1864 for actions on July 3. Sherman was seriously wounded at Deep Bottom, Virginia, in 1864 and suffered amputation of his left leg. NPS

First, there are inconsistencies. In the case of a single regiment, the 19th Massachusetts, Ben Jellison and John Robinson were credited with capturing the flags of the 54th and 57th Virginia, respectively. But the 54th Virginia was not at Gettysburg, and the regimental history of the 19th Massachusetts stated that Robinson captured the flag of the 14th Virginia, not the 57th. However, the 19th's colonel, Arthur Devereux, forwarded a signed statement to his brigade headquarters that Corporal Joseph DeCastro had captured the flag of the 14th Virginia. Eventually, in its official citation, the War Department gave DeCastro credit for capturing the 19th Virginia's flag, while both Jellison and Robinson got credit for capturing the 57th Virginia's flag, and no one was credited with the capture of the 14th Virginia's flag, even though it was captured by someone in the 19th

Massachusetts. This might have been Corporal Benjamin Falls, who captured a flag and received a Medal of Honor, though the flag was not identified. But even this official version of who captured what was flawed, for it was known that Robinson gave the flag he captured to Major Edmund Rice of his regiment, who was wounded and used the staff as a cane to make his way to a field hospital. Rice then gave this flag to his corps commander, Major General Winfield Hancock, when he came to the same field hospital to have his wound treated, and its identity was never established.[20]

Besides inconsistencies such as these, there is the question of how a flag was captured, for the difference between capturing a flag in hand-to-hand combat and simply picking up a fallen flag off the ground is huge. Did the Army attempt to address this? Such efforts at clarification may have been made at a regimental level, but the Army simply issued a Medal of Honor to every soldier whose name was submitted. In the 19th Massachusetts four men – Jellison, Robinson, Falls and DeCasto – all mentioned above, were awarded a Medal of Honor on December 1, 1864, when the medals earned at Gettysburg were distributed. Yet, in his after-action report Colonel Devereux wrote that only three of the four colors his regiment captured "were taken from the hands of the rebel color-bearers," that is, in hand-to-hand combat. The fourth was "picked up beyond the stone wall." The regimental history implies that this was Jellison's flag. But lest one think that Jellison did not earn his Medal of Honor: During the charge to the Clump of Trees the regiment made after the Confederate breakthrough at the Angle, both color bearers in the regiment were shot, and Jellison picked up both flags and led the regiment to within three yards of the Confederates. In Jellison's case it may be that Devereux used the flag the private picked up as the easiest form of justification for the Medal, but recommended him based upon his personal gallantry in the action.[21]

Other cases were not as clear-cut as Jellison's. In the 14th Connecticut, Corporal Christopher Flynn and Private Elijah W. Bacon both received Medals of Honor, Flynn for capturing the flag of the 52nd North Carolina, and Bacon for the 16th North Carolina. The regimental history of the 14th gives the following account of the captures:

> One of the first to leap over the wall was Corporal Christopher Flynn of Company K, who, advancing far down toward the retreating line, picked up a battle-flag which they had dropped in their flight. Corporal [he was a private at Gettysburg] E. W. Bacon of Company F also seized the flag of the Sixteenth North Carolina.[22]

So, although they were clearly aggressive soldiers and did their duty well, neither soldier performed a remarkable feat of valor other than that of picking up a fallen flag, which invariably had been dropped not in flight, but because the color guard and color bearers were all dead or wounded. The same is true of 1st Delaware Medal of Honor recipients, privates John B. Mayberry and Bernard McCarren. Both picked up fallen flags; Mayberry likely picked up the 7th North Carolina's and McCarren probably got the 13th Alabama's. The most unusual Medal of Honor winner was Private Oliver P. Rood, of the 20th Indiana Infantry, in the 3rd Corps. Rood received credit for capturing the flag of the 21st North Carolina "while charging the enemy at Gettysburg, July 3, 1863." But the 20th was not engaged on July 3, nor was Rood even in the regiment. He served in the 14th Indiana, in the 2nd Corps, and transferred to the 20th Indiana on June 6, 1864. The 21st North Carolina was in Colonel Isaac Avery's brigade, which fought on East Cemetery Hill on the evening of July 2. Rood found its flag on the morning of July 3. During the retreat from Cemetery Hill the color bearer had been killed and the flag left behind in the confusion.[23]

That twenty-eight Confederate flags were captured during Pickett's Charge but only fifteen men were awarded the Medal of Honor prompts the question of whether the other thirteen captures were considered not worthy of a decoration, or were there shortcomings or

inconsistencies in the system for awarding medals? A review of these other flag captures confirms that the former is not the case; there were no differences between those who captured a flag and received a Medal of Honor and those who captured a flag and did not. The 1st Delaware Infantry, in Colonel Thomas Smyth's brigade of Brigadier General Alexander Hays's 3rd Division, 2nd Corps, offers a case in point. Members of this regiment captured three Confederate battle flags. As mentioned above, John B. Mayberry picked up the flag of the 7th North Carolina during the Confederate retreat, and Bernard McCarren found the flag of what was probably the 13th Alabama. Both men received the Medal of Honor in 1864. But Lieutenant William Smith picked up the flag of the 5th Alabama Battalion, turned it in to brigade headquarters and was killed, probably by Confederate artillery, while returning to his regiment. Smith received no Medal of Honor, even though by 1864 General Orders No. 91 had been amended to allow officers to receive the medal.[24]

The 71st Pennsylvania revealed the same inconsistencies. Private John E. Clopp, of that regiment, received a Medal of Honor on Feb. 2, 1865, for the capture of the 9th Virginia flag. But Private George H. Moore, who captured an unidentified flag, and Captain Alexander McCuen, who took the flag of the 3rd Virginia, were not awarded medals. Neither were Captain Charles Brink and Private Piam Hays, of the 16th Vermont, who captured the flags of the 2nd Florida and 8th Virginia, respectively. Sgt. Ferninando Maggi and Corporal Francisco Navarreto, in the 39th New York, likewise captured flags and received no medal. Neither did Private Michael McDonough, 42nd New York, who captured the flag of the 22nd North Carolina in the Angle. The circumstances of his capture did not differ greatly from others who received a medal. The flag lay up against the stone wall near where Company I, 69th Pennsylvania, the far right flank company of that regiment, had initially been positioned. Anthony McDermott, who served in that company, saw the flag and made his way to within six or eight feet of it as his company advanced back to their first position following the Confederates repulse. McDermott was busy ordering surrendering Confederate soldiers to the rear "when a soldier ran past me seized the flag and ran back I suppose to his regiment." The soldier was Private McDonough. McDermott made some remark "belittling his act" to McDonough as he went to the rear with his trophy. "I could have had that flag without any trouble," he observed twenty-six years later, "and if I thought acts like that would have brought a medal, its more than likely I would have preferred the flag to gathering up on prisoners." In another letter McDermott mentioned that there were "at least 10 flags picked up along the stone wall between the angle and the gateway [this was located between the 59th New York and 69th Pennsylvania] and all secured by men of other regiments, who wandered over the field from curiosity."[25]

Clearly, the attributes we ascribe to the Medal of Honor today did not apply in 1863. Although there were men who received the medal who, like Ben Jellison, displayed conspicuous gallantry far above that of their comrades, there were others who did no more than anyone else, other than to pick up a fallen enemy flag. Nor was there any distinction made between flags captured in hand-to-hand combat and those simply picked up after the color guard were killed or wounded. Either might, or might not, earn a soldier a Medal of Honor. Who received the medal and who did not apparently depended upon whether a soldier's regimental adjutant recorded his name with his capture and then sent this up the chain of command to army headquarters.

This policy, or lack thereof, changed in the Army of the Potomac in 1864. On December 22, the army's assistant adjutant general, General Seth Williams, issued Special Orders No. 346, which included guidance on the Medal of Honor. It acknowledged that medals had been conferred upon men who had captured flags and turned them in to the commanding general (Meade), but now "the commanding general will be happy to present to the War Department the names of such other enlisted men as in the judgment of corps and independent commanders are entitled to medals of honor for conspicuous gallantry. In each case the recommendation will be accompanied by a statement showing the services on which it is based, together with the occasion and date on which the services were rendered." Possibly in response to this order, Private John E.

Clopp, who had served with the 71st Pennsylvania at Gettysburg but transferred to the 69th Pennsylvania when the 71st mustered out of service, received a Medal of Honor on February 2, 1865, for wrestling the flag of the 9th Virginia from its color bearer. Four years later Captain Morris Brown, 126th New York, was the first officer and posthumous recipient of the medal. Brown was credited with capturing the flag of an unnamed Confederate regiment.[26]

No more Gettysburg-related Medals of Honor were issued for twenty-one years after Brown. There was no time limit to submit a request for a Medal of Honor, nor was there any language in the either the 1862 or 1863 legislation pertaining to the medal that precluded an honorably discharged veteran, or his comrades, from writing the adjutant general's office (AGO) and requesting a Medal of Honor for some particular act the individual thought was noteworthy during the war. Beginning around 1890 the AGO received numerous requests to award Medals of Honor, often for service during the war that, while perhaps courageous, was hardly the stuff for which the Medal of Honor of the twentieth and twenty-first centuries has been awarded. These medals, although some were certainly deserved, were more about securing a place in the memory of the war. And as veterans learned that they might get a Medal of Honor if they built a case for themselves or a comrade the number of applicants increased dramatically. Helping to fuel the number of applicants was the Medal of Honor Legion, formed on April 23, 1890, by former army officers. The Legion's purpose was to protect the integrity of the Medal, but it also helped spur more requests from veterans.[27]

This post-war medal rush resulted in four more medals being awarded for July 3 actions. Corporal Henry D. O'Brien of the 1st Minnesota was the first, receiving his medal on April 23, 1890, for carrying his regiment's colors after the color bearer was shot, during which he received two wounds. A year later Alexander Webb, who commanded the 2nd Brigade, 2nd Division, 2nd Corps; James Rice, a major in the 19th Massachusetts; and Wheelock G. Veazy, the colonel of the 16th Vermont, were awarded Medals of Honor. George Benedict, a lieutenant and staff officer to Brigadier General George Stannard, commanding the 2nd Vermont Brigade, received one in 1892, and in 1897 former Sergeant Frederick Fuger, of Battery A, 4th United States Artillery, was awarded the last of the July 3 Gettysburg Medals of Honor. More will be said of Fuger, but of the group Webb, who did not personally seek the Medal, earned it even by modern standards. So did O'Brien and Fuger. The others are more difficult to reconcile. Veazy received his for charging the enemy flank under heavy fire; Benedict essentially for bravery and Rice for "conspicuous bravery" and falling severely wounded within the enemy lines.[28]

Neither Veazy nor Benedict was singled out above all others in the after-action report of brigade commander Brig. General George Stannard. Stannard commended the performance of all three of his regimental commanders and noted that every member of his staff, not just Benedict, "executed all my orders with the utmost promptness, and by their coolness under fire and good example contributed essentially to the success of the day." In other words, Benedict and Veazy had both performed commendably, but not conspicuously above others of like rank and duties. Regarding Rice, among the War Department records justifying his medal is the following citation:

> The conspicuous gallantry of Major Edmund Rice, of the 19th. Mass. Vols. Infantry, at the third day's battle of Gettysburg, where he was severely wounded, did more than the single exertion of any other officer on our side to retrieve the day after the battle had been virtually won by the Confederates, who had broken our lines, and were cheering and swinging their hats on our captured guns. After the line was broken, the 19th dashed in and placed themselves in the rear of the break, and for twelve minutes received the enemy's fire, at a distance of less than fifteen paces. In that time one man in every two of the whole regiment, and seven fell over, including Rice, who was shot in front of his men with his foot on the body of a fallen Confederate, he being at that moment the officer fighting nearest

> to the enemy in our whole line. He fought till he fell; his men fought till they fell. He held Pickett's heavy column in check with the single thin line of his regiment, till reinforcements came from right and left ...[29]

This account fairly drips with hyperbole. And although Rice was clearly a gallant and courageous officer who compiled an outstanding war record, to claim that he "did more than the single exertion of any other officer on our side to retrieve the day after the battle had been virtually won by the Confederates" was both inaccurate and insulting to the memory of many others who gave as much or more to defeat the Confederate breakthrough at the Angle. It also does not square with the after-action report of Rice's commanding officer, Colonel Arthur F. Devereux. The colonel reported that the defeat of the Confederates in the Angle was due to the "extraordinary exertions of a few officers." He named Lieutenant Frank Haskell, General John Gibbon's aide, and Colonel James E. Mallon, commanding the 42nd New York, but not Rice. Rice's brigade commander, Colonel Norman Hall, who always took special care in his after-action reports to note officers and men who displayed conspicuous bravery, mentioned that Rice was severely wounded, but nothing more. The only officers Hall singled out were Haskell, who nearly everyone mentioned in their reports, and Lieutenant Colonel Amos E. Steele, Jr., who was killed leading elements of his 7th Michigan against the breakthrough at the Angle. Had Rice's actions been as extraordinary as the account above stated, surely his regimental or brigade commander would have mentioned them in their reports.[30]

Rice's Medal of Honor highlighted the problem with awarding medals three decades after the battle. Many officers who might have corroborated or refuted a soldier's (or his comrades') claim for a medal were dead, and because there was no system for how Medals of Honor were to be awarded to veterans of the Civil War it became a free-for-all, with those who were the most insistent or persistent, and those with political clout or powerful friends within the army, standing the best chance of securing one. Many soldiers more deserving than Rice, Veazy, Benedict, and even Fuger, were forgotten, or in Fuger's instance, their actions were used to build his own case for a medal.

Nearly every significant after-action report from key officers in the 2nd Corps who were engaged in the Angle area singled out Brigadier General John Gibbon's aide, Lieutenant Frank Haskell, for conspicuous gallantry. Winfield Hancock devoted a paragraph in his Gettysburg report to the lieutenant. Four years later, writing to artist Peter Rothermel, Hancock noted that Haskell was one of two men who "had as much to do with the success of the Second Corps in repulsing the enemy as the acts of any other person." The other soldier was Major William G. Mitchell, Hancock's senior aide-de-camp, today a virtually unknown soldier. Hancock wrote of both men that they were "modest men and boasted little of [their gallantry on July 3].[31]"

To Haskell, Mitchell, Devereux, Mallon, and Steele, Jr., we might add the field officers of the 69th Pennsylvania, Colonel Dennis O'Kane, Lieutenant Colonel Martin Tschudy, and Major James Duffy. Had the 69th collapsed when the Confederates who had seized the Angle attempted to envelop its right flank, the Union defense may have unraveled. But the regiment stubbornly stood its ground despite heavy losses and prevented the Confederates from widening the breach. In the action, O'Kane was killed; Tschudy, who had been wounded on July 2 but chose to remain with the regiment, was mortally wounded; and Duffy suffered an ugly wound that eventually killed him in 1869. When the Confederates led by Armistead poured over the wall and threatened the flank of the 69th, the three right companies were ordered to refuse the line, that is, to form at right angles with the other seven companies who remained at the stone wall fighting the Confederates in front. Tschudy may have ordered this critical movement, since as lieutenant colonel his position was with the right five companies of the regiment. Companies I and A executed the movement, but the commander of Company F was killed before he could give the necessary commands to his men. A large number of Confederates who had not followed Armistead over the wall, now came over the wall and poured into the gap between Company A

and F. Company F was destroyed: Every officer and enlisted man killed, wounded, or captured. The next company in line was Captain Pat Tinen's Company D. Tinen alertly pulled his company back from the wall and engaged the Confederates who had overrun Company F in a true hand-to-hand fight, which left much of the company dead or wounded. Anthony McDermott, of Company I, later claimed that Tinen's quick action and the stand of his company prevented the regiment from being overrun and captured.[32]

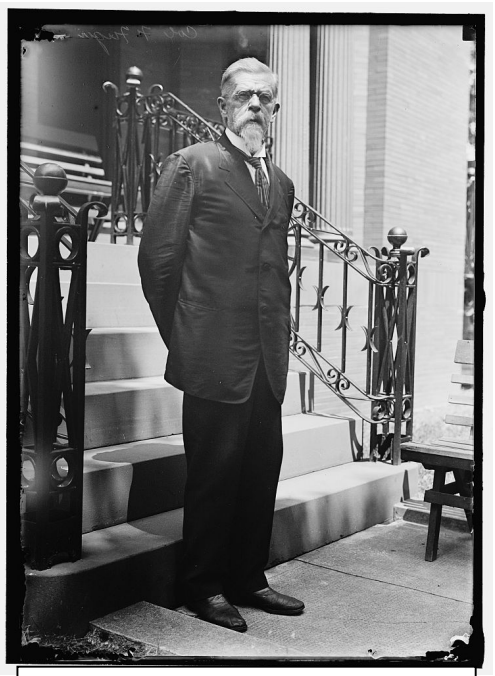
Also among the forgotten in the post-war medal scramble was Colonel Norman Hall, commander of Gibbon's 3rd Brigade. Hall was an extraordinary combat commander. He was also seriously ill at Gettysburg, and only his sense of duty prevented him from seeking medical leave to recover his health. After the battle he did take medical leave but never recovered his health and died in 1867. When the Confederates penetrated the line of Alexander Webb's 2nd Brigade at the Angle and Webb was unable to recover his line with his reserve regiment, the 72nd Pennsylvania, Hall sensed the crisis and orchestrated the difficult movement of his brigade and elements of Brigadier General William Harrow's 1st Brigade to counterattack the breakthrough. In his after-action report, Webb wrote "the enemy would probably have succeeded in piercing our lines had not Colonel Hall advanced with several of his regiments to my support." Gibbon cited the "great gallantry and conspicuous qualities" of Hall and Webb, and wrote that, "It is safe to say that without their presence, the enemy would have succeeded in gaining a foothold at that point [the Angle]." In a post-war letter to artist Peter Rothermel who was conducting research on the action at the Angle, Webb wrote, "Col. Hall deserves more credit than he gets. Do be prepared to give it to him." When Webb received his Medal of Honor, to his credit, he mentioned that Hall deserved a share of the honor. But Hall was long dead, and the post-war medals were for the living.[33]

There was no Medal of Honor either for Lieutenant Alonzo Cushing, commander of Battery A, 4th United States Artillery, who was killed during the attack. Cushing's heroism was well documented. Hall reported that Cushing "challenged the admiration of all who saw him." Captain John G. Hazard, commander of the 2nd Corps Artillery Brigade, wrote that Cushing "especially distinguished himself for his extreme gallantry and bravery, his courage and ability, and his love for his profession." Sergeant Fred Fuger used the accolades heaped upon Cushing to strengthen his own personal quest for a Medal of Honor. Not that Fuger's case needed help. After-action reports had noted his excellent performance during the battle. Captain Hazard made special mention of Fuger and recommended his promotion. Alexander Webb, in his report, also recommended Fuger for promotion, along with Sergeant Edward Irving and gunner Francis Abraham. For unknown reasons Fuger thought it necessary to further embellish Cushing's story and that of his battery in his efforts to win the Medal of Honor. Perhaps he felt some sense of guilt at seeking personal glory and attempted to reconcile this by portraying his dead commander and old battery in an even more heroic light.[34]

In Fuger's version Cushing suffered all of his wounds and his death wound after moving his guns from the position they held during the cannonade to the stone wall beside the men of Company I, 69th Pennsylvania. Here, Fuger said Cushing suffered a slight wound in the shoulder and a more severe wound in the thigh or groin. But where this latter wound occurred depended upon which of Fuger's accounts one reads. Fuger would claim that Cushing's wounds were so severe he could not speak above a whisper, that "he soon became faint and suffered frightfully," and that the sergeant had to hold him and relay his commands to the battery. Then a bullet killed Cushing, and another killed Lieutenant Joseph Milne, leaving Fuger in command. In one of his several versions, all of which differed in certain important details, he related that after Cushing's and Milne's deaths:

> This placed me in command of the Battery, and I shouted to the men to obey my orders. We continued to fire double and treble charges of our canister, but owing to the dense smoke, could not see very far to the front. At this moment to my

> utter amazement, I saw General Armistead leap over the stone wall with a number of his troops, landing right in the middle of our Battery. I shouted to my devoted cannoneers and drivers, who had no longer any horses, to stand their ground, which they heroically did, fighting hand to hand with hand spikes, pistols, sabers, ramrods and with help of Webb's Pennsylvania Brigade and that gallant Brigade of Vermonters commanded by that gallant General Stannard coming up our left flank; Pickett's charge collapsed. No one of the daring party who came over the stone wall ever returned, they were either killed, wounded or taken prisoners. Armistead fell mortally wounded but a few yard from where Cushing his young and gallant adversary, gave up his life.[35]



Frederick Fuger in 1913. LC

If only it were true. But the contemporary wartime evidence and post-war recollections by other veterans tell a different story. Cushing suffered his first wounds, to the shoulder and thigh, during the bombardment at his battery's firing position, not at the stone wall, and neither was serious enough to incapacitate him. According to Captain Andrew Cowan, commanding the 1st New York Independent Battery, which relieved Battery B, 1st Rhode Island, on Cushing's left after the cannonade ended, Cushing not only could speak above a whisper but that he made a "pleasant reply" to a question Cowan asked him, then turned and shouted orders for his guns to move by hand up to the stone wall. The two guns Cushing still had men enough to crew were pushed up into the position occupied by Company I, 69th Pennsylvania, which moved aside to make room for the guns. In a part of the story that Fuger omitted, the first round of canister fired from one of the two guns killed two privates in the company, who apparently did not clear the gun's front quickly enough. Anthony McDermott, who served in Company I, saw Cushing observing the advancing Confederates with his field glasses and calling out adjustments to the fire of his two guns. In 1891 McDermott testified that Cushing's two guns opened fire upon the advancing Confederates "and discharged three or four rounds, perhaps more, when their fire ceased and the cannoneers disappeared leaving the guns with us." When McDermott was told that Fuger had testified that he had remained with his gun at the wall even after Armistead and his men crossed it, he was incredulous. "He is certainly mistaken," said McDermott. "How could he stand there alive, when none of us were there, with that gun, firing it? When the enemy fell back there was no necessity for firing, and how could he have done it? He may have been back with the guns on the crest, but he was not there when Armistead's guns came in range of us."[36]

The same year that Fuger succeeded in getting his Medal of Honor, the War Department took action to bring the Medal of Honor frenzy to a halt and published new rules governing how a medal might be obtained. The language read that the "service must have been performed in action of such gallantry and intrepidity above his comrades – service that involved extreme jeopardy of life or the performance of extraordinarily hazardous duty," and "incontestable proof of performance of the service" now had to be submitted. There were no more July 3 Gettysburg Medals of Honor awarded after these new rules were published. But those who had obtained their medals, whether they were deserved or not, had secured their place in the history of the battle.

In modern memory a Medal of Honor is a Medal of Honor. The history of the medal and the changes it is has gone through are not well known. To the uninformed (which is not meant in a negative sense, it merely is the case with most of today's Gettysburg visitors), Lieutenant George Benedict or Private John Mayberry, or any of the others on the list of Gettysburg Medal of Honor winners, must have performed some deed more heroic than Frank Haskell, Alonzo Cushing, Norman Hall, or any of the others mentioned earlier who did not receive a medal. This is the real shame of the Civil War-era Medal of Honor. Some heroes were rightfully honored, others were invented; some men were lucky, and many of the most deserving were neglected.[37]

The 72nd Pennsylvania
"What is the value of a Monument on the field anyhow, when it attempts to enforce a lie?

Securing a place in the memory of the battle also figured prominently in the erection of regimental monuments. No place on the battlefield was more symbolic for either army than the place where Pickett's Charge met its final repulse. Massachusetts was the first state to appropriate funding to mark positions of its troops in this area. In October 1885, the 15th, 19th, and 20th Massachusetts dedicated regimental monuments. The point selected was a line a short distance south of the Clump of Trees. It was agreed by all not to place any monuments within the clump "as it should result in disfiguring this mark which indicates the general point of Pickett's charge." But the positions selected for these three regiments posed a potential problem for a review of the official reports of the battle confirmed that in addition to the three Massachusetts regiments, ten other regiments concentrated upon this area at the climatic moment of the fight. In the opinion of John Bachelder and others, "to place the monuments of all those regiments at that point would have a tendency to mislead the public in the future rather than illustrate the battle." This would prove to be a problem elsewhere on the battlefield, for there were other points where regiments left the general line of battle and moved to another position and were engaged. To resolve this Bachelder traveled to Washington, D.C. and met with Secretary of War William C. Endicott, as well as regular army officers who had served in the volunteer service during the war. A unanimous decision was reached "that the desire of the memorial association would be better carried out if the lines of battle were marked, rather than the lines of contact when any regiment left their position to go into action," and in December 1887, the Gettysburg Battlefield Memorial Association formally adopted this as policy. The legend on the individual monuments would explain the regiment's actions and where they might have moved. It was also agreed that regiments could erect tablets to mark subsequent positions to which they might have advanced. Thus regiments would henceforth erect their monuments on the general line of battle of the army. Establishing where that line ran fell primarily to Bachelder, and in the area of the Angle and Clump of Trees he used the army's July 3 deployment as his guide for who went where.[38] The rub was to explain this new policy to the veterans of the 15th, 19th, and 20th Massachusetts regiments, since to abide by it they would have to move their existing monuments to their positions in the general line of battle. To Bachelder's relief they agreed to do so, even though it meant that 19th Massachusetts removed its monument to the second line of battle, where the regiment had been in reserve at the beginning of the July 3 action.[39]

On June 15, 1887, an act passed by the legislature of Pennsylvania appropriated $125,000 to the Gettysburg Battlefield Memorial Association for the purpose of marking the positions of Pennsylvania commands on the battlefield. The governor appointed a five-man commission whose job it was to meet on the field with representatives of the different Pennsylvania commands and, working within the new line-of-battle policy of the GBMA, mark the positions of those commands. For two days in April 1888 the commission met on the field with the regimental and battery representatives of the Pennsylvania commands and marked their positions. In the case of the 72nd Pennsylvania Infantry, the commissioners drove a stake in the ground 283

feet from the stone wall running south from the Angle, at a point east of Hancock Avenue, where, according to General J. P. S. Gobin, one of commissioners, "it [the 72nd] was represented to us as having been in line of battle on the second line."

When word of where the stake had been driven reached veterans of the 72nd, some objected to its location, desiring a place at the stone wall mid-way between the 69th Pennsylvania and 71st Pennsylvania. The commission agreed to meet with members of the Philadelphia Brigade association in Philadelphia. During this meeting Gobin testified that "the allegation was made that we had been mistaken in the location of that monument [the 72nd]. Some men from other regiments challenged the 72nd's argument "and claimed that the Seventy-second was not entitled to go down where they wanted to go, down nearer the angle." One of the most vocal opponents was Anthony McDermott, a soldier of Company I, 69th Pennsylvania. The seeds of a conflict over memory were sown.[40]

On July 3, 1888, several members of the governor's commission and a committee from the 72nd Pennsylvania appeared before the board of directors of the GBMA to discuss the 72nd's case. The 72nd veterans again protested the location of their monument and requested it be placed on the front line with the 71st and 69th Pennsylvania monuments, both of which were erected in 1887. On the motion of Bachelder the GBMA ruled that the 72nd would have to erect its principal monument on the crest of the ridge where the evidence placed the men during the majority of the fighting, and that the regiment could erect a marker at the advanced position with an inscription explaining its movement to that point during the action. In further discussions the association relented slightly and agreed that the 72nd could place its principal monument slightly farther forward, on a line with the Philadelphia Brigade monument.[41]

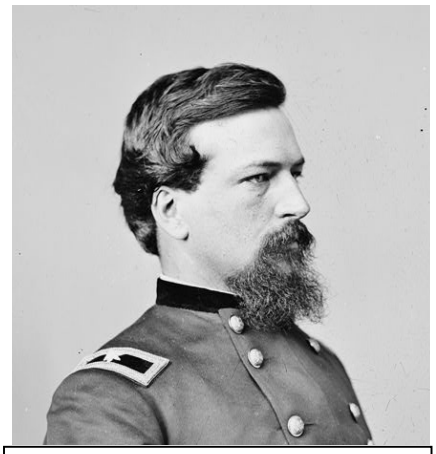
But the 72nd Pennsylvania survivors rejected this compromise measure and continued to press to have their monument placed at the wall. Sometime after the July 3 meeting the Governor's commissioners agreed to meet with representatives of the regiment in Gettysburg. They also invited McDermott to make his case against the 72nd, since the commissioners thought it important to question other witnesses besides the 72nd's veterans. McDermott was unable to attend, but the commissioners heard testimony from "a very large delegation" of 72nd Pennsylvania veterans. However, the testimony failed to sway the commissioners, and they declined to move the location of the monument forward. John P. Nicholson, a future member of the first National Battlefield Park commission, was one the governor's commissioners, and he recalled the 72nd's veterans being "very much dissatisfied" with this decision. Nicholson and the other commissioners agreed to transfer the meeting to the United States Hotel in Harrisburg and hold an evening session to give the question of the 72nd's monument location further deliberation.[42]

During the evening meeting in Harrisburg, the members of the Governor's commission met in a private room to discuss the 72nd's case. General Gobin recalled that the meeting lasted until one or two o'clock in the morning, and that "we were at a loss to know what to do in view of our desire to locate the monument just where it belonged." Samuel Harper, the secretary of the commission, broke the impasse when, re-reading the rules and regulations adopted by the GBMA in December 1887, he came upon Paragraph VI, which included the statement, "If the same line was held by other troops, the monuments must be placed in the order in which the several commands occupied the grounds, the first being the first line, the second at least twenty feet in the rear of it and so on, the inscriptions explaining the movements." By Harper's interpretation of this regulation, the commission could place the 72nd Pennsylvania monument twenty feet in rear of the line held by the 71st and 69th Pennsylvania. The commissioners agreed that this was a just compromise to the problem and went downstairs to explain their solution to those 72nd veterans who were still present, adding that the plan still needed the approval of the GBMA.[43]

There was one snag to the agreement worked out in Harrisburg: No one on the commission communicated it to the GBMA. In December 1888 representatives of the 72nd Pennsylvania came on the battlefield and began to mark a position for the location of their regimental monument

approximately twenty feet from the wall, midway between the 71st and 69th Pennsylvania monuments. Since the GBMA was unaware of what these veterans were doing, they had the party arrested for trespass on GBMA property. This precipitated a new conflict to be settled in the courts. On January 7, 1889, the 72nd Pennsylvania committee filed a bill in Adams County Court, requesting that the committee be allowed to erect its monument where the agreement made with the state commission in Harrisburg located it. The GBMA objected, and the court sustained them and dismissed the case. The 72nd appealed, and the case went to the Pennsylvania Supreme Court, where despite powerful testimony against the regiment's claim in the form of after-action reports and testimony by General Alexander Webb and veterans of other regiments who had fought in the same vicinity, the regiment prevailed. Today the monument to the 72nd Pennsylvania stands less than twenty feet from the stone wall. To the uninformed, which constitutes most of those who visit the battlefield since only a handful of people know the story of the 72nd's monument, it appears that this regiment manned the front line in the repulse of Pickett's Charge.[44]

Did the 72nd have a case, or was this an instance of veterans seeking to fix their place at the forefront in the memory of the battle's symbolic climax?



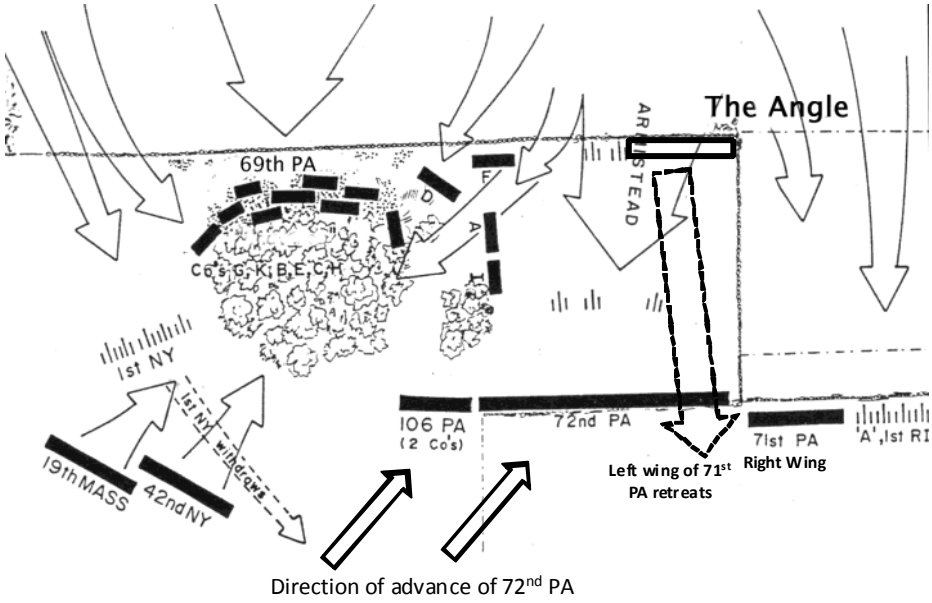
Brig. Gen. Alexander S. Webb. LC

On July 3, 1863, Brigadier General Alexander Webb, commander of the 2nd Brigade, 2nd Division, 2nd Corps – nicknamed the Philadelphia Brigade because of the place of origin of all four of its regiments – had three regiments and part of another regiment available to him. The 106th Pennsylvania had been detached to Cemetery Hill on the evening of July 2, and only two companies of that regiment, which had been on skirmish duty when their regiment departed, remained with the brigade. The other three regiments were the 69th, 71st, and 72nd Pennsylvania. The 69th Pennsylvania occupied the stone wall running south from the Angle, directly in front of the Clump of Trees. To its right rear were the six guns of Lieutenant Alonzo Cushing's Battery A, 4th U.S. Artillery. Supporting Cushing was the 71st Pennsylvania. The right wing of this regiment extended to the recessed stone wall east of the Angle, and the left wing was in rear of Cushing's limbers. Webb held the 72nd Pennsylvania in reserve, in rear of and slightly to the left or south of the Clump of Trees, and on the reverse slope of Cemetery Ridge.[45]

During the bombardment that preceded the Confederate infantry assault, Cushing's battery suffered heavy losses and could only man two guns by the time the shelling ended, and these were pushed forward during the Confederate advance into Company I, 69th Pennsylvania, the right flank company of that regiment. To fill the space at the wall between the 69th's right flank and the Angle, left vacant by the damage done to Cushing, Webb ordered Colonel R. Penn Smith, commanding the 71st Pennsylvania, to advance his regiment into the gap. Although Smith's regiment numbered only slightly more than 200 men, he could not fit his entire regiment in the space and only advanced his left wing, composed of four to five companies, under the command of Lieutenant Colonel C. Kochersberger, a force of perhaps 100 men. The right wing of the 71st remained back behind the recessed wall.[46]

Brigadier General Richard B. Garnett's brigade of Pickett's division struck Webb's first line head on, while Colonel Birkett Fry's brigade of Pettigrew's division threatened the exposed right flank of the 71st Pennsylvania's companies at the Angle. Despite heavy losses from the fire of the 69th and 71st, and Cushing's guns (the 71st also pushed up a third gun of Cushing's battery into the Angle and fired it once), the Confederate surge toward the Angle could not be stopped. To prevent his companies from being flanked and perhaps destroyed, Lt. Colonel Kochersberger

ordered the left wing of the 71st to withdraw to the crest of the ridge. In the chaos of battle the order produced confusion, and many men did not stop at the crest of the ridge but continued to retreat. Lieutenant Frank Haskell, General John Gibbon's aide-de-camp, of whom we have already heard, witnessed the left wing's retreat and described it as a "fear stricken flock of confusion!" The Confederates of Garnett's and Fry's brigades quickly seized the Angle and the section of stone wall formerly defended by Kochersberger's companies. They were reinforced here by men of Brigadier General Lewis Armistead's brigade. But the heavy losses sustained in the advance and the rush to the wall left the Confederates in great disorder. Alexander Webb watched these events unfold in front of him. "When my men [the 71st Pennsylvania] fell back I almost wished to get killed. I was almost disgraced," he wrote his wife after the battle. But he also observed the confusion in the Confederate ranks and recognized that an aggressive counterattack might dislodge them from the wall and turn the tide before they could organize themselves to renew the attack. He had held the 72nd Pennsylvania in reserve for precisely this



purpose. Running back to them he waved his hat and shouted for them to advance.[47]

The men of the 72nd, with the two companies of the 106th Pennsylvania attached to their left, rose to their feet and advanced by the right flank and left oblique, meaning the men turned to their right then moved at a 45-degree angle to the left front. Major Samuel Roberts thought the objective of their movement was the north stone wall, the one connecting the Angle with the recessed wall running north to the Brien farm. As the regiment moved forward it advanced past Webb, who had collared a soldier from Cushing's battery he had caught running away. While Webb dealt with the frightened artilleryman the 72nd, according to Major Roberts, continued to advance until the far right of the regiment reached the connecting wall, about twenty to thirty feet west of the east (or recessed) angle in the wall. It was probably less distance than this but in the excitement men cannot be expected to be exact about such things. Someone on the left of the regiment, probably Lieutenant Colonel Theodore Hesser, the regimental commander, shouted "front," and the regiment turned left to face the enemy at the wall. The Confederates behind the wall opened fire and Roberts "judged that not less than eighty of our men fell," or about 20 percent of the regiment. The right company of the regiment, I Company, became disconnected with

the rest of the regiment during this movement, and Roberts ordered them to dress to the left to close the gap. As they did so Roberts noticed that so many men had been shot in the regiment that its right companies "looked like a skirmish line."[48]

After dealing with the demoralized artilleryman Webb dashed through the left companies of the 72nd and shouted the order "Charge bayonets." The men were firing at will and there was "such a tremendous racket that you couldn't tell who was shooting." The racket drowned out Webb's voice. Lieutenant Henry Russell, who was in Company A, on the left and within a few feet of Webb when he gave the command testified that the order "couldn't be heard, I don't suppose ten feet away." Russell ordered his company to fix bayonets but the other companies, not hearing the command, initially did not do so. Webb may have realized his voice could not carry, or was angry he could not get the 72nd to continue advancing. Whatever the reason, he ran over to the 72nd's color bearer, Sergeant William Finnecy. According to Sergeant Frederick Mannes, of Company B, who knew Finnecy well, "there was no run in him," and "there was no braver made" than the sergeant. When Webb reached Finnecy he ordered him "as forcibly as a man could" to advance with the colors toward the wall in front. Finnecy may not have recognized Webb, since the general had only commanded the brigade since June 28, or perhaps he thought Webb's command tantamount to suicide. In either case he refused to move forward. Webb seized the colors and tried to drag Finnecy forward, but the sergeant pulled back just as forcibly and refused to release his grip on the color. Disgusted and furious with both Finnecy and the 72nd, Webb let go of the flag and started at a run for the 69th Pennsylvania. A moment after he left Finnecy thirteen bullets struck the sergeant and ended his life.[49]

As Webb made his way down to the 69th Pennsylvania, a group of perhaps 150 Confederates suddenly came swarming over the stone wall they had captured from the 71st Pennsylvania. They were led by Lewis Armistead. While Webb made his way down to the 69th, on the second line of Colonel Norman Hall's brigade, the colonels of the 19th Massachusetts and 42nd New York, Arthur Devereux and James E. Mallon, were standing together near the left of their reserve line when Armistead and those who followed him went over the wall. Devereux remarked to Mallon that they should move at once toward the enemy penetration. "There are occasions when you could not afford to wait for orders," remarked Devereux. At this moment 2nd Corps commander, Major General Winfield Hancock came riding by. Devereux halted him and pointed out the Confederate battle flags moving over the wall at the Angle and asked permission to move both regiments there. Hancock replied, "Go in there pretty God damned quick. " He then galloped on south to coordinate an attack upon Pickett's exposed right flank.[50]

Both of these regiments were quite small; the 19th numbering only about 100 effectives and the 42nd only slightly larger. They advanced at a sharp right oblique, meaning both regiments roughly maintained an alignment parallel with the Union front line, but moved at a forty-five degree angle to the right front.[51]

At approximately the same moment these two regiments started toward the Copse of Trees. Colonel O'Kane and Lieutenant Colonel Martin Tschudy, commanding the right wing of the 69th Pennsylvania, attempted to refuse the line of that regiment to prevent the Confederates who had crossed the wall with Armistead from enveloping their line. Companies I and A executed the movemen in considerable disorder, but they managed to assemble a firing line facing the connecting wall, at right angles to the rest of the regiment, and opened fire upon Armistead and company. They were met by Webb coming down from the 72nd Pennsylvania. Company F, the next company in the regimental line, was also supposed to refuse the line, but its company commander was killed before he could give the command, and the company remained at the wall. This opened at least a company-sized gap in the 69th's line, between the main body of the regiment and companies I and A, and evidence indicates the gap was probably larger than this. Into this gap stormed another group of Confederates from behind the stone wall near the Angle. They swiftly enveloped and destroyed Company F, every man being killed, wounded, or captured. The commander of Company D, which was adjacent to Company F, alertly pulled his

company back from the wall and faced them to the right to meet the threat to their flank and rear. They engaged the Confederates in a brief but bloody close-quarters fight and prevented the enemy from rolling up the 69th's line. A number of these Confederates bypassed the 69th and made their way into the Clump of Trees, where they were immediately confronted by the advancing 42nd New York and 19th Massachusetts. Colonel Devereux related: "When my men struck the enemy at the copse of trees and just beyond that towards the angle, they met so fiercely that there was a little rebound. That they were very close is sufficiently proven by the fact that one of the color bearers of my regiment knocked down a color-bearer of the Fourteenth Virginia with his color staff and handed it to me. They were near enough after that. They appeared to stand there for a few moments, firing into each other."[52]

While these events were transpiring, General Armistead and his followers were falling under a hail of bullets delivered by the 71st Pennsylvania, 72nd Pennsylvania, the two companies of the 106th Pennsylvania, and Companies I and A of the 69th Pennsylvania. Armistead fell near one of Cushing's guns that sat back at his battery's original position. Those who accompanied him and were not hit either threw themselves on the ground or ran back and took cover behind the stone wall. They were soon joined there by the survivors of the second penetration who were driven out of the Copse by the attack of the 19th Massachusetts and 42nd New York. Meanwhile, Colonel Norman Hall had started moving troops of his brigade, Brigadier General William Harrow's 1st Brigade, and two very small regiments of the 1st Corps, the 20th New York State Militia and 151st Pennsylvania, in the direction of the Confederate penetration. The men of Hall's and Harrow's brigades crowded up toward the Copse, while the two 1st Corps regiments advanced on the west side of the main Union position to strike the exposed Confederate right flank at the wall.[53]

During these actions, which took only several minutes, the men of the 72nd Pennsylvania remained in the position where they had halted during their initial advance, loading and firing at the Confederates behind the stone wall in their front. There is abundant evidence that they had not budged from this position, despite numerous claims to the contrary by veterans of the regiment during the Pennsylvania Supreme Court trial. Two of the most important witnesses to their actions are Captain Charles Banes, assistant adjutant general of Webb's brigade, and Gibbon's aide, Lieutenant Frank Haskell. Both officers were mounted. Banes was at the center of the regiment and related that they "they stood well in line where I was," but he noticed some confusion on the left of the regiment. He rode there at once and found that Haskell was crowding the men with his horse, probably in an effort to keep the line straight. What Banes did he does not explain, but he testified that the problem was "very soon remedied." The firing continued for about ten minutes, he thought, during which time men of the 1st and 3rd brigades came up and crowded in upon the left of the 72nd and 106th Pennsylvania. This would have been first, the 42nd New York and 19th Massachusetts, followed by the other regiments of Hall's and Harrow's brigades. He noted that some of these men fired toward the north, others fired toward the west, and some men of the 71st Pennsylvania were firing toward the southwest, probably at men in front of the 69th Pennsylvania.[54]

Lieutenant Haskell was on Webb's front when the initial blow of Pickett's and Pettigrew's men struck the Angle and forced out the companies of the 71st Pennsylvania that were there. He rode among these retreating men and helped rally them. Then he rode south quickly to Major General Abner Doubleday, commanding the 3rd Division of the 1st Corps, to seek reinforcements to assist Webb. Doubleday refused and Haskell rode north and met Hall behind his brigade. By this point Haskell could see the accumulation of Rebel battle flags behind the stone wall at the Angle. To Haskell's question of whether he could assist Webb, Hall replied he would move his brigade there at once. From Hall Haskell rode to Harrow's brigade. He did not find Harrow, but he and Hall (and Harrow may have been assisting; Haskell simply did not see him), managed to get elements of all of the 1st Brigade's regiments moving toward the Confederate penetration. From Harrow's line Haskell now rode back in the direction of the Copse to the 72nd, which is when the crowding of his horse against the men on the regiment probably occurred. From the 72nd's left Haskell rode

to its right, for he relates that he encouraged Major Roberts to lead his men forward, to which Roberts, according to Haskell, replied, "By the tactics, I understand my place is in rear of the men." He then called for Captain Andrew Supplee, commanding Company A of the 72nd to "come on with your men." Supplee complained that they needed to stop the fire in the rear "or we shall be hit by our own men," to which Haskell responded, "Never mind the fire in the rear; let us take care of this in front first." Supplee did not respond, so Haskell called for the color bearer to advance the colors. According to Haskell the bearer went forward alone, and only one man initially followed him. About half way to the stone wall the color bearer was shot and the colors fell, at which point the 72nd, along with the other units that were crowded up around and in the Copse, all started forward. It might not have happened quite this way, for no one in the 72nd remembered a color bearer being shot in the advance to the wall, and it was well established that Corporal Thomas Murphy was the last person to carry the colors in the engagement. Thomas Read, of Company F, distinctly remembered Murphy had the colors before the regiment commenced its advance. Captain Banes also did not recollect what Haskell described. Surely Haskell did not invent it, but in writing his lengthy account weeks after the battle he might have confused the death of Finnessy, which he certainly would have known about, with the final advance of the colors. The important point about Haskell's narrative is not whether he remembered every detail of the fight accurately, but that when compared with Banes's testimony, it clearly establishes that the 72nd *had not* advanced beyond its first position before the collapse of enemy resistance; which the veterans of the 72nd, in building their case for a monument at the wall, claimed vigorously that they had.[55]

Banes's testimony lacked Haskell's drama, but no one questioned its credibility. He related that everyone fired upon the Confederates at the wall for "some time," until a number of Rebels threw down their arms, crossed the fence, and ran toward the 72nd. Banes ordered the regiment to open ranks to let the Confederates through, and they were taken prisoner. "Simultaneously a movement commenced by which the men of the Seventy-second and those of the Third brigade, all moved down," Banes testified. At the same moment he observed a number of Confederates at the wall, who had not already surrendered, begin dropping their weapons and crossing the wall to surrender. Banes continued, "Still I saw some personal conflicts going on. I saw one man seize hold of a lieutenant of the Seventy-second, but I told him to go to the rear. The fight was still going on a little; some of the men (Confederates) appeared to be dazed, and some of them virtually acknowledged that the fight was over and were seeking to become prisoners. The regiment(s) that went down to the fence were without any special formation. It was a mass of men and no special regiment went down there before any other." Abundant evidence exists to corroborate Bates's testimony. Alexander Webb wrote in 1888 that "Men pressed to the fence after the Rebels laid down their arms, and lots of warriors developed like sand flies when the bullets stopped 'bee-ing' all around our ears." The men of the 72nd Pennsylvania, in other words, never were engaged in anything but disarming prisoners, and some individual firing at retreating Confederates, when they moved to the position where they would later succeed in erecting their regimental monument.[56]

The 72nd's 1890 victory in the Pennsylvania Supreme Court trial was a blow to the Gettysburg Battlefield Memorial Association and a bitter pill to swallow for many other veterans who had fought in the area and knew the truth. It was particularly galling to the veterans of the 15th, 19th, and 20th Massachusetts, who had all agreed to abide by the GBMA line-of-battle policy and moved their monuments to their line-of-battle positions. For the 19th Massachusetts this meant back on the second line, where the 72nd had been at the opening of the engagement.

Arthur Devereux learned of the Supreme Court decision in the papers. He immediately wrote to Bachelder asking, "How is it? And if as stated on what grounds?" He was incredulous. "Would the Honorable Board of Trustees [of the GBMA] permit me to put the monument of my regt. to the front where it belongs or must it stay away back where it gives no sort of idea of the service performed by it?" he asked. Then he asked rhetorically, "What is the value of a

Monument on the field anyhow, when it attempts to enforce a lie? I permitted the removal of my regt's monument back to meet the ideas of the Trustees but not anticipating such a travesty of truth thereby." Eight months later Devereux wrote Bachelder that "I am getting reconciled to the 72's monument. It blazons their shame and the story will be told to all comers and they might have seen the waters of oblivion roll over it but for their own action." In the report of the executive committee of the GBMA, the organization lamented,

> this mislocation of the 72nd monument is the only break in the harmony of the entire field. It is the only act done for which we feel that an apology is required to be made to any one. In so locating it, law was misunderstood and misinterpreted; facts were misunderstood, and inferences were unjustifiably drawn. The Association sought by every means within its power to save our Commonwealth from an error which puts it in a false position before the entire Army of the Potomac and therefore before the whole country.[57]

But for all the predictions that the monument's placement would bring great shame on the 72nd, upon Pennsylvania, and that the truth would be told "to all comers," it was not to be. The 72nd had triumphed in the contest over commemorating the memory of its participation in the battle.

Reconciliation, Making Peace, and the Memory of the War

Even while he battled the 72nd Pennsylvania and the placement of its monument, John Bachelder worked to preserve, shape, and commemorate the memory of what happened along the slopes of Cemetery Ridge on July 3. Later in the same year he had met Walter Harrison on the battlefield and spent the afternoon in the shade of the Clump of Trees, he came upon Basil Biggs, the black farmer whose property included the clump, who was busy cutting the trees down. "I expostulated with him," wrote Bachelder, about the trees' historic value, but Biggs, who had lived west of Gettysburg during the battle and had helped re-bury Union dead to the Soldiers' National Cemetery after the battle, was unmoved. Then Bachelder tried a different tack. He explained that "I suggested to him that if he cut them, then he was only getting for them their value as rails, whereas, if he allowed them to stand to mark the spot he would eventually get ten times as much for them." This line of argument worked. Biggs spared the trees and in 1881 sold seven acres to the GBMA for $125 an acre, plus an additional $475.12 for damages to his property caused by the opening of what would be called Hancock Avenue. The Association began to lay out this avenue in 1882. The significance of the clump of trees was known to relic hunters, and with the opening of the avenue and access to this area of the battlefield they began cutting branches to make souvenir canes. In 1885 Bachelder recommended the Association erect an iron fence to enclose and protect the trees. The motion failed, as did a subsequent one in 1886. In 1887 Bachelder submitted his motion in writing, and this time it passed unanimously. At the same meeting, John Vanderslice, a member of the Board and the driving force behind the expansion of the Association's activities on the battlefield, recommended that Bachelder "prepare an appropriate and suitable tablet descriptive of the engagement and the commands engaged at the copse of trees where Pickett's Division assaulted the Union line, said tablet to be placed upon a metallic post thereat." The idea for the High Water Mark Monument was born.[58]

Bachelder decided that something grander than Vanderslice envisioned was more appropriate, and at a meeting of the GBMA's executive committee on September 25, 1888, he offered a resolution for a bronze tablet "setting forth the movements of the troops at the copse of trees" be erected. The committee approved the proposal unanimously, but the chairman remarked that there were no funds for such a memorial and another commented that all that was really needed was a "small tablet bolted to the fence." Bachelder had something more impressive in mind, but

later related, "I certainly did not realize the immense amount of thought and labor which its completion would involve; nor did I then contemplate such an expensive structure."[59]

It took Bachelder four years to realize his dream of a High Water Mark monument. He personally prepared and discarded more than twenty different designs, "made the contracts, visited legislatures, secured appropriations and paid bills precisely as though it was my private enterprise." Since the GBMA had made it clear that there were no funds for a monument Bachelder had to find funding for it or pay out of pocket. When the monument was finished and dedicated on June 2, 1892, Bachelder learned that the monument appropriations account was overdrawn by $2,025 and that he had omitted from the roll of commands honored the companies of the U. S. Sharpshooters, who had participated in the repulse of Longstreet's Assault. It also developed that the cast iron cannon balls used in the monument design were rusting badly, having been scarred in their transportation to the foundry that assembled the monument. With characteristic vigor Bachelder tackled all problems, appealing to the states whose commands were honored on the monument to appropriate funds, adding the sharpshooter companies to the monument legend and replacing the cast iron balls with bronze balls. Most states responded so that in his report on the construction of the monument Bachelder reported he had a small surplus of funds available for the perpetual care of the monument.[60]

The final design Bachelder settled on was of an open book supported by pyramids of cannon balls and flanked by two Napoleon cannon. The legend he prepared was not interpretive, it addressed neither the cause nor the consequence of the battle or war except obliquely in the inscription for "Commands Honored," which stated, "In recognition of the Patriotism and Gallantry Displayed by their respective troops who met or assisted to repulse Longstreet's Assault," then listed those states that had made contributions to the monument's preparation. In all places on the legend the July 3 attack was referred to as "Longstreet's Assault," and Bachelder identified that "This Copse of Trees Was the Landmark Towards Which Longstreet's Assault Was Directed July 3, 1863." If Bachelder believed that because these words were now etched in bronze that they would endure, he was mistaken. The term Longstreet's Assault was displaced by the more popular and catchy "Pickett's Charge" as the term most commonly used to describe the attack, and as was related earlier in this essay, the assertion that the Copse of Trees was the landmark guiding the attack has even been challenged. What did stick was the name Bachelder gave the monument, which was in turn applied to this place on the battlefield and ultimately, to the battle itself: the High Water Mark of the Rebellion. This, Bachelder proclaimed, was where the rebellion turned. He wrote with evident pride that the idea of naming the Copse of Trees the High Water Mark of the Rebellion "was mine." In the establishment of the national memory of the war Bachelder had secured the most prominent place for Gettysburg's crucial role in its ultimate outcome, no matter how vigorously veterans of other battlefields or future historians might challenge this.[61]

The High Water Mark Monument and Clump of Trees with Bachelder's iron fence. c. 1903. LC

Bachelder's High Water Mark Monument honors soldiers and their courage, but what had happened at the Angle and at Gettysburg in July 1863 transcended the heroism of soldiers. The Union victory in 1865 restored the Union and led to the 13th, 14th, and 15th amendments to U.S. Constitution, changing the social fabric of the nation and its notions of who would enjoy the blessings of freedom. But after 1877 these new freedoms were being rolled back for blacks across the old Confederacy, and the deep scars left by the war between the North and South were healing slowly. The some 620,000 Civil War dead created a wide gulf between the veterans of both sides, and defeat did not mean Southerners accepted the war's outcome, particularly as it applied to the enfranchisement of former slaves, nor did their defeat convince them that their cause had been misguided or wrong. Northern veterans found it difficult to reconcile with those whom they firmly believed had been traitors to the government.

The High Water Mark at Gettysburg would prove the ideal place where white veterans of North and South, and eventually the country, could find something they could agree upon and thus advance the cause of reconciliation. By 1913 the Angle and High Water Mark would assume powerful symbolic importance in the cause of reconciliation and events there would significantly shape our memory of the war and what we thought it had been fought over. But the road to reunion that eventually played out at the High Water Mark was rough hewn. In 1885 a group of Confederate veterans from the 1st Maryland Battalion approached the GBMA requesting permission to erect a monument to mark their position on Culp's Hill on July 3. This was before the association had adopted its line-of-battle policy, so the Confederate veterans selected a position they had occupied on the night of July 2 and morning of July 3 on the lower hill of Culp's Hill. The problem with the site was that it was within the Union lines, for the Marylanders had occupied breastworks abandoned by the 12th Corps troops when they were sent to reinforce the Union left. The committee tasked with selecting a position for the monument dutifully referred this to the board, because, "erection of an ex-Confederate monument within the Union lines raises an important precedent." The board approved the monument but required that it be located outside the Union breastworks. The monument was erected and dedicated in November 1886.[62]

The placement of a monument to a Confederate unit angered Northern veterans and caused the GBMA to reconsider allowing Confederate monuments on the field. The association concluded that there was a difference between marking positions and commemorating the units' service. David Buehler, vice president of the GBMA, wrote Bachelder a month after the 1st Maryland Battalion monument dedication, saying that "the aim of the Maryland Regiment (Confederate) in the erection of their monument was not so much to mark their position, *as to glorify their achievements on this field.* It was the disclosure of this spirit in our intercourse with the committee which induced me to call a *halt* on the proposition to open up the field to the erection of Confederate monuments, with the incidents of dedication services &c. The historical delineation of the field is one thing, the erection of monuments in *honor of what was done here*, is quite another thing." Buehler thought that the Confederate lines should one day be acquired and marked but needed to be carefully controlled. "Otherwise we do violence to the basis of the Association & will get into trouble," he wrote.[63]

In May 1887, at the same time Bachelder won the agreement of the GBMA in adopting his line-of-battle policy, a group of veterans from Pickett's division approached the association with a request to erect a monument on the spot where General Armistead fell. The association did not reach a decision, but the general feeling of its board was that such a monument should abide by the line-of-battle policy and be placed on an avenue being considered to be opened along the Confederate lines along Seminary Ridge. But events that July reversed the association's thinking. The Philadelphia Brigade Association had planned a reunion at Gettysburg during the battle anniversary, at which they would also dedicate monuments to the 69th and the 71st Pennsylvania. After some debate within the brigade association it was decided to extend an invitation to the Pickett's Division Association, the organization of veterans of Major General George Pickett's

division, their mortal adversaries on July 3. Similar debate ensued among the Confederate veterans upon receipt of the invitation, but some 300 agreed to attend. The Pennsylvanians declared it their "holy and patriotic duty to invite our late foes to meet us in fraternal re-union on that field that turned the tide of the war … and there set the example of burying, forever, all animosities."

The Pennsylvanians also justified such a reunion on the grounds that "our victory would be fruitless if all the citizens of all sections of the country could not enjoy equal rights, and privileges as guaranteed by the constitution of our country, and noticing that bitter hatreds were kept alive by unscrupulous and designing men," they felt it their duty to attempt to reverse this. To mend the sectional animosities engendered by the war was certainly an admirable goal, but the Pennsylvanians' justification for inviting Pickett's veterans speaks to the nationwide retreat from Lincoln's vision of a "new birth of freedom." In 1887 the only Americans whose constitutional rights and privileges were threatened were Southern blacks, not former Confederate soldiers. The latter now held positions of power across the South and were using them to gradually disenfranchise blacks.[64]

Still, the reunion was a smashing success. For the first time at Gettysburg, on July 4, 1887, Union and Confederate veterans shook hands over the stone wall leading to the Angle. The handshake was not staged, as it would be in 1913 and 1938. It was impromptu and genuine. So much good feeling seemed to flow from the event that on the evening of July 3 members of the Philadelphia Brigade presented the GMBA with a resolution to mark the location where Confederate General Lewis Armistead fell. The resolution passed unanimously and a marker was erected that December. But the resolution had not been an act of impulsive generosity fostered by good feelings at the reunion. Upon this resolution had hinged the participation of the Confederate veterans. The unsuccessful meeting of the Pickett Division Association with the GBMA about the Armistead marker in May had so angered Pickett's veterans that their association had resolved unanimously to reject the Philadelphia Brigade's invitation to the July reunion. What changed their mind was a letter from Charles Frazier, Secretary of the Philadelphia Brigade Association, who pledged the association's help to erect a memorial to where Armistead fell. So the ex-Confederates came to the reunion, and the Pennsylvanians made good on their promise.[65]

Reconciliation found its footing at Gettysburg at the Philadelphia Brigade-Pickett's Division event, but the veterans of both sides embraced it warily and slowly. At the 25th anniversary of the battle the next year, in 1888, although Union General Daniel Sickles declared, "Today, there are no victors, no vanquished," and that as Americans "we may all claim a common share in the glories of this battlefield," and although the reunion was attended by the likes of John B. Gordon and James Longstreet, it was essentially a celebration of the Union victory at Gettysburg, with relatively few Confederates in attendance. A year later Bachelder distributed a circular to Union veterans floating the idea of marking the lines of the Army of Northern Virginia. This met with general approval from Union veterans but with an important caveat, such as which T. D. Cunningham, who had served in the 56th Pennsylvania, expressed. "*Simply* mark the Rebel (not-Confederate) lines of battle in the Gettysburg fight – But not one word of commiseration – not once sentence in praise of heroic deeds done in a bad cause." J. L. Shook, writing from G.A.R. Post 88 in Allegheny, Pennsylvania, wrote to Bachelder, "We are heartily in favor of marking the Rebel lines but we want the Government to do that work not Rebels. You know that they do not care for History when they erect their monuments it is to honor their dead and vaunt their Rebellious acts. We don't propose to have that." A. W. Fenton, who served in the 6th Ohio Cavalry, advised Bachelder that while he sympathized with the Confederate soldiers who had fought so bravely and could accept marking the positions held by their regiments, brigades and divisions, "but I trust that we shall never see a Confederate monument ever along their line."[66]

Time however, softened these hard feelings, and in the 1913 grand reunion on the Gettysburg battlefield the High Water Mark took on a new meaning as a symbol of reconciliation between

North and South. Some 50,000 veterans from all corners of the country attended the July 1-4 events. John H. Leathers of Kentucky, a former sergeant major in the 2nd Virginia Infantry of the old Stonewall Brigade, sounded a familiar theme of the event in his remarks at the July 3 New York Veterans Celebration. "All the bitterness of the war has gone with the flight of years. We stand here today glorying in one common Flag – the Flag of a Reunited Country." Leathers was followed by Captain Andrew Cowan, whose canister fire had mowed down Pickett's men during the desperate moments of the Confederate breakthrough south of the Clump of Trees. Cowan declared, "This grand celebration marks the "high-tide" of peace between the North and South, which shall never recede while Americans love liberty and the Union." Virginia Governor William Hodges Mann affirmed that though the nation should not forget the years of 1861 to 1865, "We came here to say, not to discuss what caused the war from 1861 to 1865, but to talk over the events of the battle here as man to man and as comrade to comrade, to shake hands as brothers and to recognize in each the splendid courage displayed upon this remarkable field of battle …"[67]

The High Water Mark was now emblematic of the good fight, of sublime American courage in which both North and South could share. President Woodrow Wilson helped further define this in his speech inside the Great Tent on July 4. "We have found one another again as brothers and

A remarkable photograph taken July 3, 1913 showing Union veterans of the Philadelphia Brigade lining up on the Angle wall and Pickett's veterans, in their gray suits, waiting on the west side of the wall. Note the camera in the left middle set up to capture the symbolic handshake at the wall. The monument is the 71st Pennsylvania's. Bain Collection, LC

comrades, in arms, enemies no longer, generous friends rather, our battles long past, the quarrel forgotten – except that we shall not forget the splendid valor, the manly devotion of the men then arrayed against one another, now grasping hands and smiling into each other's eyes." In a staged but highly symbolic moment that gave physical affirmation of Wilson's words, on July 3 veterans of Pickett's division and the Philadelphia Brigade met at the angle and shook hands over the stone wall they had fought over fifty years before. Pennsylvania Congressman J. Hampton Moore

addressed the assembled veterans after the handshake. "You meet again here at the 'Bloody Angle,' the very zenith of the mighty current of the war, not as furious, fighting champions of State or Section, but as messengers of peace … You have truly made this ground more sacred by uniting upon it in bonds of amity and fellowship." Bachelder's High Water Mark had become both the "very zenith" of the war and the sacred ground of peace and unity.[68]

Passages from Lincoln's Gettysburg Address were sprinkled throughout many of the speeches given during the four days. Governor Mann of Virginia even declared that if Lincoln "could come back here and see what is going on, how his patriotic heart would swell with pleasure when he saw the Blue and Gray mingling as they are today as friends and comrades." No doubt Lincoln would have, for the reunion was an important and necessary moment in the nation's healing from the war. But he also probably would have encouraged all to re-read his Address. The nation in 1913 was in full retreat from the "new birth of freedom" he hoped the war might usher in. Jim Crow racial segregation was the law of the land across the South, and President Wilson had allowed several federal departments to be segregated by race. But there was no mention of this at the Angle in 1913. It belonged to the "quarrel forgotten." Thus, wrote David Blight in his *Race and Reunion*, "the Gettysburg reunion took place as a national ritual in which the ghost of slavery, the very questions of cause and consequence, might be exorcised once and for all – and an epic conflict among whites elevated into national mythology."[69]

The High Water Mark has not shaken off the memory attached to it in 1913. One has only to visit the place on Remembrance Day in November or on the afternoon of July 3 to see that it is still celebrated primarily as a symbol of shared American valor. The causes and consequences – the reasons men went to war and turned this into a killing ground on July 3, 1863 – remain largely absent. Perhaps one day this will change and we can celebrate both American courage and the fact that here the end of slavery in America and the hope of a new birth of freedom won a crucial victory. The High Water Mark will likely always remain, "the very zenith of the mighty current of the war," as Hampton Moore proclaimed it. No amount of ink spilled by historians to challenge this lofty claim has ever managed to budge this ground from its place in the popular culture of the war. But ultimately, the High Water Mark is whatever people need it to be. As Chamberlain foretold, something does still linger there, and countless thousands pause near the small clump of trees or Cushing's silent guns or the wall that Armistead crossed, to "ponder and dream," and to find something of themselves on this hallowed ground.

Notes

[1] Joshua L. Chamberlain, "Address," in *Dedication of the Twentieth Maine Monuments at Gettysburg, October 3, 1889*, ed. Samuel Miller (Waldoboro, Me.: News Steam Job Print, 1891), 15.
[2] Martin Blumenson, ed., *The Patton Papers 1885-1940* (Boston: Houghton Mifflin, 1972), 1:191-192.
[3] For the Zeigler's Grove argument see Kathleen Georg, *A Common Pride and Fame*, unpublished typescript, 3:n.p. The Cemetery Hill thesis is capably presented by Troy Harman in *The General Plan Was Unchanged* (Mechanicsburg, PA: Stackpole Books, 2003). The term "Copse of Trees" was a post-war name applied by John Bachelder. During the battle the trees were referred to most commonly as a "clump of trees," "little grove," or "small grove."
[4] Richard A. Sauers, "John B. Bachelder: Government Historian of the Battle of Gettysburg," *Gettysburg Magazine*, no. 3 (July 1990): 115-116.
[5] Ibid., 116; Some of Bachelder's correspondence with officers of Stannard's brigade, the 11th Corps, 12th Corps, and other units discharged after the battle, survives in the Bachelder Papers. The existing papers, most of which are possessed by the New Hampshire Historical Society, were published in 1994. The wartime correspondence is all found in David Ladd and Audrey Ladd, eds., *The Bachelder Papers,* vol. 1(Dayton, Ohio: Morningside Press, 1994).
[6] For some examples see, Meade to Bachelder, Sept. 17, 1864, David Birney to Bachelder, Aug. 4, 1864, Gouverneur K. Warren to Bachelder, Sept. 28, 1864, and Henry Slocum to Bachelder, Sept. 27, 1864, in Ladd and Ladd, 1:180-182. Also see in Ladd and Ladd, 1:570-603; Sauers, 117-119.
[7] Bachelder to Colonel C. H. Buehler, Feb. 1, 1894, in Ladd and Ladd, 3:1854-1855; Walter Harrison, *Pickett's Men: A Fragment of War History* (New York: D. Van Nostrand, 1870), 176-183. In Harrison's account of post-war Gettysburg he mentions returning to the battlefield for a reunion of officers, nearly all of whom were Union, in August 1869. This gathering was organized by Bachelder, but sponsored by the GBMA. Harrison implies that this was his first visit to the battlefield after the war, so Bachelder's statement that he and Harrison met on the field "soon after the war," could very likely mean 1869. It is possible that he visited the field before this to meet Bachelder and did not mention it, but this seems unlikely.
[8] Harrison, 183; U.S. War Dept., *War of the Rebellion: The Official Records of the Union and Confederate Armies* (Washington, D.C.: U.S. Govt. Printing Office, 1889), Series 1, 27(2):359 [hereafter abbreviated as *OR*; A. K. McClure, ed., *The Annals of the War* (reprint Dayton, Ohio: Morningside Press, 1988), 429.
[9] Armistead L. Long, *Memoirs of Robert E. Lee* (London: Sampson, Lowe, Marston, Searle, and Rivington, 1886), 289-290; Gary Gallagher, ed., *Fighting for the Confederacy: The Personal Recollections of General Edward Porter Alexander* (Chapel Hill: Univ. of North Carolina Press, 1989), 258.
[10] E. P. Alexander to Dear General, June 18, 1879, in Henry Hunt Papers, GNMP Library, Box B-11; Comte de Paris, *The Battle of Gettysburg* (Philadelphia: The John C. Winston Co., 1886), 213; Cadmus Wilcox to Comte de Paris, no date, in Cadmus Wilcox Misc. Correspondence, GNMP Library, Box B-3.
[11] E. P. Alexander, *Military Memoirs of a Confederate* (New York: Charles Scribner's Sons, 1907), 417-418; Trimble to Bachelder, Feb. 8, 1883, in Ladd and Ladd, 2:933; OR, Series 1, 27 (2):556-557, 580, 582, 588, 659-660, 663, 668-669.
[12] *OR*, Series 1, 27(2):359. A question deserving consideration is what elements of the 2nd Corps were deployed on the forward slope where they would have been observable to Lee and Longstreet in the planning of the bombardment and infantry assault. The after action reports of regimental, brigade and division commanders, testimony recorded in letters, diaries, reminiscences, and extensive post-war correspondence of veterans with John Bachelder is that all of Harrow's and Hall's brigades were on the forward slope of Cemetery Ridge, where their monuments stand today, and could have been observed from the Peach Orchard north along the Emmitsburg Road ridge. This included Hall's two reserve regiments, the 19th Massachusetts and 42nd New York. Most of Webb's brigade was likewise on the forward slope. Only the 72nd Pennsylvania was deployed on the reverse slope. For Hays's division, Smyth's brigade was deployed on the forward slope and Sherrill's brigade was initially deployed on the reverse slope to Smyth's rear during the bombardment. In Doubleday's division, most of Stannard's brigade were in position

southwest of Hancock's knoll where they might have been easily observed and the 13th Vermont initially formed in rear of Hancock's knoll. During the bombardment they moved forward to the line marked by their monument, as it proved safer to be on the forward slope than the reverse slope at this particular point. All of the 2nd Corps artillery was clearly visible. So during the morning planning for the assault Lee and Longstreet could have observed elements of five Union infantry brigades along the forward slope of Cemetery Ridge and five batteries of the 2nd Corps Artillery Brigade.

[13] Birkett D. Fry, "Pettigrew's Charge at Gettysburg," *Southern Historical Society Papers* 7(1879): 92-93; "The Diary of Captain George A. Bowen, 12th New Jersey Volunteers," *The Valley Forge Journal* 11, no. 1 (June 1984): 133.

[14] Shattering the Union center on Cemetery Ridge would in turn have forced the evacuation of Cemetery Hill by Union forces, unless Meade had sufficient reserves to counterattack and restore his line.

[15] There were 101 Medals of Honor issued for Vicksburg. See, *The Medal of Honor of the United States Army* (Washington, D.C.: U.S. Government Printing Office), 128-136, 137-142.

[16] Todd Arrington, *The Medal of Honor at Gettysburg* (Gettysburg, Pa.: Thomas Publications, 1996), 1.

[17] *OR*, Series 3, 2:270; On March 3, 1863 Congress amended the Medal of Honor criteria to apply to officers as well, and omitted the "other soldier-like qualities" from the language of what deeds a soldier needed to perform to receive the medal. See, *Report of a Board of Officers* (Washington, D.C.: Government Printing Office, 1904), 66.

[18] Department of the Army, *The Medal of Honor of the United States Army* (Washington, D.C.: Government Printing Office, 1948), 111-127. There were many Medals of Honor awarded after the war for these engagements, and a handful issued late in the war. The numbers cited are for medals issued in the year of the action or by the time the Gettysburg medals were issued, in 1864.

[19] Richard Rollins, *The Confederate Battle Flag at Gettysburg* (Redondo Beach, Calif.: Rank and File Publication, 1997), 228; Bruce A. Trinque, "Confederate Battle Flags in the July 3rd Charge," *Gettysburg Magazine*, no. 21(1991): 108, 127.

[20] *OR*, Series 1, 27(1):444; *OR*, Series 3, 4:816; History Committee, *History of the Nineteenth Regiment Massachusetts Volunteer Infantry* (Salem, Ma.: Salem Press, 1906), 241-242, 246; *The Medal of Honor of the United States Army*, 141-142.

[21] *The Medal of Honor of the United States Army*, 141-142; *OR*, Series 1, 27(1):444; *History of the Nineteenth Regiment Massachusetts Volunteer Infantry*, 243, 246.

[22] Charles D. Page, *History of the Fourteenth Connecticut Volunteer Infantry* (reprint, Gaithersburg, Md.: R. Van Sickle Military Books, 1987), 156.

[23] First Lieutenant John T. Dent, who assumed command of the 1st Delaware due to heavy officer casualties, reported only that the regiment captured five flags; he did not identify who captured them or what regiments they were from. See, *OR*, Series 1, 27(1):469; Rollins, *The Confederate Battle Flag at Gettysburg*, 194, 135; *OR*, Series 3, 4:815. Rood's military service record can be accessed at www.civilwardata.com.

[24] Rollins, 194; Thomas G. Murphy, *Four Years in the War: The History of the First Regiment of Delaware Veteran Volunteers* (Philadelphia: James S. Claxton, 1866), 117.

[25] Rollins, 173, 178-179, 184, 190; Anthony McDermott to John Bachelder, June 2, 1886, Oct. 21, 1889, in Ladd and Ladd, 3:1414, 1656.

[26] OR, Series 1, 42 (3), 1057-1058; *The Medal of Honor of the United States Army*, 141; For some details on Clopp's MOH see, Gary Lash, *"Duty Well Done:" The History of Edward Baker's California Regiment* (Baltimore, MD: Butternut and Blue, 2001), 349; Brown was mortally wounded in 1864 at Petersburg. Captain Charles A. Richardson wrote that he was told Brown captured the colors of the 14th North Carolina. This is unlikely as the 14th NC was in Ramseur's brigade, which did not participate in the assault. See, Richardson to Bachelder, Aug. 18, 1867, Ladd and Ladd, 1:316. Also see, Richardson to Bachelder, May 8, 1868, Ibid., 341.

[27] No author, *Report of a Board of Officers to Examine and Report Upon Applications and Recommendations for Medals of Honor and Certificates of Merit* (Washington, D.C.: Government Printing Office, 1904), 65; see also http://www.medalofhonor.com/1st55Years.htm#f13.

[28] *The Medal of Honor of the United States Army*, 140-142.

[29] See http://aotw.org/moh.php?citation_id=62.

[30] *OR*, Series 1, 27(1):440-444.

[31] Ibid., 376; Hancock to Rothermel, July 30, 1867, in Peter F. Rothermel Papers, Pennsylvania Historical and Museum Collection, Harrisburg, PA. Mitchell enlisted in the 25th Pennsylvania Infantry as a private on April 18, 1861. He was promoted to Sgt. Major with five days and to 1st Lieutenant on June 2. After muster out of his regiment he joined the 49th Pennsylvania Infantry as a 1st Lieutenant. On June 25, 1863 he was promoted to major and attached to Hancock's staff as an aide de camp. During the course of the war he won brevets for distinguished conduct and gallantry at the Wilderness, Boydton Plan Road, and Spotsylvania Court House. See, Francis B. Heitman, *Historical Register & Dictionary of the U.S. Army 1789-1903* (Washington, D.C.: Govt. Printing Office, 1903), 717.
[32] D. Scott Hartwig, "It Struck Horror to Us All," *Gettysburg Magazine,* no. 4 (1991): 89-100.
[33] *OR*, Series 1, 27(1):418, 428; Webb to Rothermel, Jan., date missing, Rothermel Papers, Historical & Museum Commission, copy vertical file 5-Alexander Webb, GNMP Library.
[34] Ibid., 429, 437, 481.
[35] See http://www.cushingsbatterywi.com/historical.html; Also see, Supreme Court of Pennsylvania, May Term, 1891, Numbers 20, 30, Middle District, *Appeal of the Gettysburg Battlefield Memorial Association from the Decree of the Court of Common Pleas of Adams Co., Paper Book of Appellants*, (No city, no publisher, 1891), 128-131. [Hereafter cited as *Trial of the 72nd Pennsylvania.*]
[36] Cowan described Cushing's wound in Lewis R. Stegman, *Webb and His Brigade at the Angle* (City: Publisher, Date), 66. He also described Cushing's wounds in a letter to John Bachelder, Dec. 2, 1885, in Ladd and Ladd, 2:1157; Also see Frederick Fuger, "Cushing's Battery at Gettysburg," *Journal of the Military Service Institution of the United States* v. 41 (1907): 408; *Trial of the 72nd Pennsylvania*, 220, 227-228, 238; *Trial of the 72nd Pennsylvania*, 228, 238.
[37] *Report of a Board of Officers to Examine and Report Upon Applications and Recommendations for Medals of Honor and Certificates of Merit*, 65.
[38] *Trial of the 72nd Pennsylvania*, 294-295; Minute Book of the Battlefield Memorial Association, Typescript, 169, GNMP Archives.
[39] *Trial of the 72nd Pennsylvania*, 295.
[40] Ibid., 199-200; Kathleen Georg, *Transcribed Minutes of the Gettysburg Battlefield Memorial Association*, GNMP Library, 175. The parties met on April 10, since this is noted in the GBMA minutes, but whether they also met on the 9th or 11th is not indicated.
[41] *Minutes of the GBMA*, 180; John Bachelder, "The 72nd Penn'a Monument Case," Edward McPherson Papers, Library of Congress.
[42] Ibid., 10-11.
[43] *Minutes of the GBMA*, 169; *Trial of the 72nd Pennsylvania*, 11, 200-201.
[44] *Minutes of the GBMA*, 213-214; *Trial of the 72nd Pennsylvania*, ii-iii.
[45] *OR*, Series 1, 27(1):427, 433, 443, 445; *Trial of the 72nd Pennsylvania*, 243, 277; Lewis R. Stegman, *In Memorium Alexander Stewart Webb* (Albany: J. B. Lyon Co., 1916), 83; R. Penn Smith to Isaac Wistar, July 29, 1863, in Wistar Papers, Library of the Wistar Institute, Philadelphia, PA.
[46] R. Penn Smith interview, *Gettysburg Compiler*, June 7, 1887; Smith to Wistar, July 29, 1863, Wistar Papers; *Trial of the 72nd Pennsylvania*, 243.
[47] Smith Interview, *Gettysburg Compiler*, June 7, 1887; Smith's instructions to Kochersberger permitted him to fall back when it was "too hard to have time to reload." Webb was unaware of these orders. See Glenn LaFantasie, ed., *Gettysburg: Colonel William C. Oates and Lieutenant Frank Haskell* (New York: Bantam Books, 1992), 217; Webb to his wife, July 6, 1863, in *Trial of the 72nd Pennsylvania*, 317. In his testimony during the trial Webb explained that he used the word "disgraced" because "I felt that where I put Cushing [at the wall with the 69th] I should have gone myself. See also, *Trial of the 72nd Pennsylvania*, 163.
[48] *Trial of the 72nd Pennsylvania*, 149-150; LaFantasie, 218. Lt. Haskell wrote that Webb's men were partially protected by the "abruptness of the crest," which indicates that the rallied part of the 71st Pennsylvania and the 72nd were slightly below the crest of Cemetery Ridge, which would place them east of the east angle; Samuel Roberts to Alexander Webb, August 18, 1883, in Ladd and Ladd, 2:967.
[49] *Trial of the 72nd Pennsylvania*, 96, 99, 150, 171-172.
[50] Ibid., 183-184.
[51] Edwin R. Root and Jeffrey D. Stocker, *"Isn't This Glorious!" The 15th, 19th, and 20th Massachusetts Volunteer Infantry Regiments at Gettysburg's Copse of Trees* (Bethlehem, Pa.: Moon Trail Books, 2006), 30-31. The 42nd New York had 197 effectives on July 2. Deductions must be made for the July 2

casualties and any men who might have been detailed to help crew artillery batteries or who were absent for various reasons. See also *Trial of the 72nd Pennsylvania*, 184.
[52] Hartwig, "It Struck Horror to us All,"; *Trial of the 72nd Pennsylvania*, 184. The author previously believed that Webb may have ordered the refusal of the 69th's right wing, but Anthony McDermott distinctly remembered that Webb was with his company after it executed its change of front, which indicates the men made the movement before Webb reached them, and that he joined them during the move or when they completed it. In his numerous letters about the engagement McDermott never mentioned Webb being with them when the change of front was ordered. See, McDermott to Bachelder, Sept. 17, 1889, in Ladd and Ladd, 3:1627; *Trial of the 72nd Pennsylvania*, 220.
[53] Hartwig, "It Struck Horror to us All," 98; Hartwig, "I Ordered No Man to go When I Would Not go Myself," *Papers of the Ninth Gettysburg National Military Park Seminar* (Gettysburg, PA: Gettysburg NMP, 2002), 172-173; Hartwig, "The Fate of a Nation," *Papers of the Sixth Annual Gettysburg Seminar* (Gettysburg, PA: Gettysburg NMP, 1997), 276-279.
[54] *Trial of the 72nd Pennsylvania*, 274-275.
[55] LaFantasie, 218-224.
[56] *Trial of the 72nd Pennsylvania*, 274-275. For examples of evidence supporting Bates's testimony that the fight in the Angle was essentially over when the 72nd and the other regiments began to advance see, Anthony McDermott to Bachelder, June 2, 1886, Oct. 10, 1889, Oct. 21, 1889, in Ladd and Ladd, 3: 1406-1415, 1647-1650, 1654-1657; Arthur Devereaux to Bachelder, July 22, 1889, Testimony of Captain James Lynch, *Trial of the 72nd Pennsylvania*, 304-306; Testimony of Joseph Garrett, Company I, 69th Pennsylvania, *Trial of the 72nd Pennsylvania*, 250-255; Testimony of William A. Hill, 19th Massachusetts, *Trial of the 72nd Pennsylvania*, 210-218. It should be noted too that Bates served in the 72nd Pennsylvania before moving to a staff position and he desired the regiment should have its position accurately marked at Gettysburg, but he did not support the position the 72nd veterans argued for. Webb to Bachelder, June 16, 1888, in Ladd and Ladd, 3:1554.
[57] Devereux to Bachelder, Dec. 10, 1890, Nov. 15, 1891, in Ladd and Ladd, 3:1779, 1825; *Minutes of the GBMA*, 215-216.
[58] Bachelder to C. H. Buehler, Feb. 1, 1894, in Ladd and Ladd , 3:1855; *Minutes of the GBMA*, 83-84, 146.
[59] Bachelder to C. H. Buehler, Feb. 1, 1894, in Ladd and Ladd ,3:1855; *Minutes of the GBMA*, 187.
[60] Bachelder to C. H. Buehler, Feb. 1, 1894, in Ladd and Ladd , 3:1856-1857; "Report on the Construction of the High Water Mark Monument on the Gettysburg Battlefield," in Ladd and Ladd, 3:1861-1865.
[61] Bachelder to C. H. Buehler, Feb. 1, 1894, in Ladd and Ladd ,3:1858.
[62] *Minutes of the GBMA* , 129, 134.
[63] D. A. Buehler to Bachelder, Dec. 13, 1886, in Ladd and Ladd , 3:1460-1461.
[64] Anthony McDermott, *A Brief History of the 69th Pennsylvania Regiment Veteran Volunteers* (Philadelphia, PA: D. J. Gallagher & Co., 1889), 52-53.
[65] *The Gettysburg Compiler*, July 12, 1887; Carol Reardon, *Pickett's Charge in History and Memory* (Chapel Hill: University of North Carolina Press, 1997), 95-96.
[66] *Gettysburg Complier*, July 12, 1887; T. D. Cunningham to Bachelder, July 25, 1889, J. L. Shook to Bachelder, Nov. 5, 1889, A. W. Fenton to Bachelder, Nov. 5, 1889, all in Ladd and Ladd, 3:1611, 1668, 1669-1670.
[67] Pennsylvania Commission, *Pennsylvania at Gettysburg: Fiftieth Anniversary of the Battle of Gettysburg* (Harrisburg, Pa.: Wm. Stanely Ray, 1914), 3:144, 164, 166
[68] Ibid., 171, 174.
[69] Ibid., 144; David Blight, *Race and Reunion* (Cambridge, Ma.: Belknap Press of Harvard University, 2001), 390. Both Blight's book and Carol Reardon's, *Pickett's Charge in History and Memory* (Chapel Hill: University of North Carolina Press, 1997) are important for a balanced understanding of the memory of the High Water Mark and the 1913 reunion.